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17 *Attorneys for Plaintiff*

18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

20 ANDRE DAMICO, Individually and
21 On Behalf of All Others Similarly
22 Situated,

23 Plaintiff,

24 v.

25 HYUNDAI MOTOR AMERICA, a
26 California corporation,

27 Defendant.

Case No.:

**CLASS ACTION COMPLAINT
FOR:**

(1) Violations of California
Consumers Legal Remedies Act (Cal.
Civ. Code

§ 1750, *et seq.*);

(2) Violations of Unfair Competition
Law (Cal. Bus. & Prof. Code §
17200, *et. seq.*);

1 (3) Breach of Implied Warranty
2 Pursuant to California Song-Beverly
3 Consumer Warranty Act (Cal. Civ.
4 Code §§ 1792 and 1791.1, *et seq.*)
5 and Cal. Comm. Code § 2314;
6 (4) Breach of Express Warranty
7 (Cal. Com. Code § 2313);
8 (5) Violations of the Magnuson-Moss
9 Warranty Act (15 U.S.C. § 2301);
10 and
11 (6) Fraudulent Omission.

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DEMAND FOR JURY TRIAL

INTRODUCTION

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3 1. Plaintiff Andre Damico (“Plaintiff”) brings this action individually
4 and on behalf of all similarly situated persons in the United States (“Class
5 Members”) who purchased or leased 2017 Hyundai Santa Fe vehicles (“Class
6 Vehicles”) that were designed, manufactured, distributed, marketed, sold and
7 leased by Defendant Hyundai Motor America (“Defendant” or “Hyundai”).

8 2. Beginning in 2016, if not before, Defendant knew that the Class
9 Vehicles contain one or more defects that cause, among other problems,
10 significantly delayed acceleration, loss of power, or rough shifting (“Powertrain
11 Defect”).

12 3. The Powertrain Defect has been documented to occur without
13 warning during vehicle operation and poses an extreme and unreasonable safety
14 hazard to drivers, passengers and pedestrians. Numerous Class Vehicle owners
15 have reported a significant delay in the Class Vehicle’s response while
16 attempting to accelerate from a stop and/or while cruising in situations that
17 require the ability to accelerate rapidly (*e.g.*, merging on to the highway,
18 changing lanes, etc.). Other Class Vehicle owners have reported jerking,
19 lurching, and/or engine revving associated with the delayed acceleration.

20 4. Plaintiff is informed and believes, and based thereon alleges, that
21 Defendant knew the Class Vehicles were defective and not fit for their intended
22 purpose of providing consumers with safe and reliable transportation at the time
23 of the sale and thereafter. Defendant has actively concealed the true nature and
24 extent of the Powertrain Defect from Plaintiff and the other Class Members, and
25 failed to disclose it to them, at the time of purchase or lease and thereafter. Had
26 Plaintiff and prospective Class Members known about the Powertrain Defect,
27

1 they would not have purchased the Class Vehicles or would have paid less for
2 them.

3 5. Plaintiff is informed and believes, and based thereon alleges, that
4 despite notice of the Powertrain Defect from, among other things, pre-production
5 testing, numerous consumer complaints, warranty data, and dealership repair
6 orders, Defendant has not recalled the Class Vehicles to repair the Defect, has
7 not offered its customers a suitable repair or replacement free of charge, and has
8 not offered to reimburse all Class Vehicle owners and leaseholders the costs they
9 incurred relating to diagnosing and repairing the Powertrain Defect.

10 6. Hyundai knew of and concealed the Powertrain Defect that is
11 contained in every Class Vehicle, along with the attendant dangerous safety
12 problems and associated repair costs, from Plaintiff and the other Class Members
13 both at the time of sale and repair and thereafter. As a result of their reliance on
14 Defendant's omissions and/or misrepresentations, owners and/or lessees of the
15 Class Vehicles have suffered ascertainable loss of money, property, and/or loss
16 in value of their Class Vehicles.

17 PARTIES

18 **Plaintiff Andre Damico**

19 7. Plaintiff Andre Damico is a California citizen who lives in
20 Adelanto, California. Mr. Damico purchased a 2017 Hyundai Santa Fe from
21 Victorville Hyundai in Victorville, California, at the end of May 2016. Prior to
22 purchase, Mr. Damico researched his vehicle on the Internet, spoke with the
23 dealer sales representative about the vehicle, inspected the sticker posted on the
24 side of the vehicle and test drove the vehicle. Mr. Damico purchased his vehicle
25 primarily for personal, family or household purposes. Mr. Damico's vehicle was
26 designed, manufactured, sold, distributed, advertised, marketed and warranted by
27 Hyundai.
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1 8. Within approximately three months of Mr. Damico's vehicle
2 purchase, he began to experience the Powertrain Defect, including: delayed
3 acceleration when taking off from a stop and when attempting to speed-up (*e.g.*,
4 to pass another vehicle on the freeway), and RPMs spiking with no acceleration
5 response. Mr. Damico's vehicle was brought to Victorville Hyundai at about the
6 time these issues were first observed; however, the dealer concluded that the
7 vehicle was operating as intended and claimed there was nothing wrong, and did
8 not perform any repairs or service the vehicle.

9 9. At all times, Mr. Damico has driven his vehicle in a foreseeable
10 manner and in the manner in which it was intended to be used.

11 **Defendant**

12 10. Defendant, Hyundai Motor America is a California corporation with
13 its principal place of business located at 10550 Talbert Avenue, Fountain Valley,
14 California 92708 and doing business in California and throughout the United
15 States.

16 11. Defendant is responsible for the design, manufacture, distribution,
17 marketing, sale and lease of the Class Vehicles.

18 12. Whenever, in this Complaint, reference is made to any act, deed or
19 conduct of Defendant, the allegation means that Defendant engaged in the act,
20 deed, or conduct by or through one or more of its officers, directors, agents,
21 employees or representatives who was actively engaged in the management,
22 direction, control, or transaction of the ordinary business and affairs of
23 Defendant.

24 **JURISDICTION**

25 13. This is a class action.

26 14. This Court has jurisdiction over this action under the Class Action
27 Fairness Act, 28 U.S.C. § 1332(d). The aggregated claims of the individual class
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1 members exceed the sum value of \$5,000,000, exclusive of interests and costs.
2 This court also has federal question jurisdiction over this action under 28 U.S.C.
3 §1331 because Plaintiff's claims under the Magnuson-Moss Act arise under
4 federal law. This Court has personal jurisdiction over Defendant because it is
5 registered to conduct business in California, has its principal place of business in
6 California, and/or otherwise intentionally avails itself of the markets within
7 California, through the promotion, sale, marketing and distribution of its
8 vehicles in California, so as to render the exercise of jurisdiction by this Court
9 proper and necessary.

10 VENUE

11 15. Venue is proper in this District because a substantial part of the acts
12 and omissions alleged herein took place in this District, as Defendant has its
13 principal place of business in this District, the Class Vehicles were and are
14 regularly advertised, marketed, sold/leased and serviced in this District through
15 Defendant's network of dealers. Plaintiff's counsel's Declaration of Venue, to
16 the extent required under California Civil Code section 1780(d), is attached
17 hereto as Exhibit 1.

18 FACTUAL ALLEGATIONS

19 16. Upon information and belief, Hyundai has sold, directly or
20 indirectly through dealers and other retail outlets, many thousands of Class
21 Vehicles in California and nationwide.

22 17. The Powertrain Defect causes the Class Vehicles' powertrains to
23 unexpectedly malfunction by a delayed or failed acceleration response, loss of
24 power, or rough shifting. The Powertrain Defect presents a safety hazard that
25 renders the Class Vehicles unreasonably dangerous to consumers because the
26 Defect severely impacts a driver's ability to accelerate as expected under normal
27 driving conditions and maintain an appropriate speed based on traffic flow.
28

1 18. Plaintiff is informed and believes, and based thereon alleges, that
2 Hyundai became aware of the Powertrain Defect through sources not available to
3 Plaintiff and Class Members, including, but not limited to: pre-production
4 testing, pre-production design failure mode and analysis data, production design
5 failure mode and analysis data, early consumer complaints made exclusively to
6 Hyundai's network of dealers and directly to Hyundai, aggregate warranty data
7 compiled from Hyundai's network of dealers, testing conducted by Hyundai in
8 response to consumer complaints, and repair order and parts data received by
9 Hyundai from Hyundai's network of dealers.

10 19. Hyundai had and has a duty to fully disclose the true nature of the
11 Powertrain Defect and the associated repair costs to Class Vehicle owners,
12 among other reasons, because the Defect poses an unreasonable safety hazard;
13 because Hyundai had and has exclusive knowledge or access to material facts
14 about the Class Vehicles' powertrains that were and are not known to or
15 reasonably discoverable by Plaintiff and the other Class Members; and because
16 Hyundai has actively concealed the Powertrain Defect from its customers.

17 20. Numerous purchasers and lessees of the Class Vehicles have
18 experienced the Powertrain Defect. The following example complaints filed by
19 consumers with the National Highway Transportation Safety Authority
20 ("NHTSA") and posted on the Internet demonstrate that the Defect is widespread
21 and dangerous:¹
22

- 23
- 24 • NHTSA Complaint: PURCHASED NEW 7/172017 SANTA FE
25 ULTIMATE 2.0T. THIS SUV DOES NOT ACCELERATE
26 AND LAGS ON AN INTERMITTENT BASIS HAPPENS AT A
27 LOWER SPEED AND FROM A STOP. VERY DANGEROUS

28 ¹ Spelling and grammatical errors in consumer complaints reproduced herein remain as found in the original.

1 WHEN MAKING A TURNS AND ENTERING FREEWAY OR
2 TRAFFIC CICLES (ROUNABOUTS) WHEN DEPRESSING
3 ACCELERATOR AND YOUR VEHICLE SLOWLY MOVES
4 FORWARD AND FAILS TO ACCELERATE TO THE
5 REQUIRED SPEED YOU ARE REQUESTING FOR A
6 SECOND OR MORE. NOW YOU HAVE PLACED
7 YOURSELF IN A VERY DANGEROUS POSITION
8 BECAUSE OFTHIS VEHICLES INABILITY TO RESPOND.
9 THEN ALL OF A SUDDEN IT TAKES OFF. DOES NOT
10 HAPPEN EVERY TIME BUT IS FREQUENT ENOUGH TO
11 BE CONCERNED. HAS HAPPENED CONTINUALLY SINCE
12 NEW. MY WIFE LOVES THE VEHICLE BUT IS AFRAID TO
13 DRIVE IT..NO ONE SEEMS TO KNOW WHAT THE
14 PROBLEM IS BUT THERE ARE CERTAINLY ENOUGH
15 COMPLAINTS THAT SOMEONE SHOULD INVESTIGATE
16 AND GET AFTER HYUNDAI TO FIX THE SITUATION
17 BEFORE SOMEONE GOD FORBID IS KILLED.. OR THAT'S
18 UNFORTUNATELY WHAT IT WILL TAKE TO RESOLVE
19 THIS SERIOUS DEFECT. I LOVE THE VEHICLE
20 ESPECIALLY THE TURBO BUT IT'S SCARY.

- 21 • NHTSA Complaint: I PURCHASED A BRAND NEW 2017
22 HYUNDAI SANTA FE LIMITED ULTIMATE ON MAY 5 OF
23 THIS YEAR, AND NOTICED A VERY HESITATION
24 DURING THE DRIVE HOME FROM THE DEALERSHIP. I
25 FIGURED IT WAS THE RESULT OF THE ENGINE
26 BREAKING IN AND THAT I SHOULD JUST BE PATIENT.
27 HOWEVER, IT CONTINUED...AND PROGRESSIVELY GOT
28 WORSE. SPECIFICALLY, IT'S MOST PRONOUNCED
WHEN I ACCELERATE FROM A DEAD STOP,
ACCELERATE OUT OF A ROLLING STOP, ACCELERATE
OUT OF A LEFT TURN, OR TRY TO MAKE A QUICK
PASSING OR MERGING MANEUVER ON THE FREEWAY.
IN ALL OF THESE CONDITIONS, THERE IS A 2 TO 3
SECOND DELAY BEFORE THE TRANSMISSION WILL
SUDDENLY DOWNSHIFT AND THE VEHICLE WILL
BLAST OFF. THIS IS REALLY DANGEROUS, BECAUSE
I'VE HAD NEARLY A DOZEN INSTANCES OF BEING
NEARLY REAR ENDED BECAUSE THE VEHICLE WON'T
ACCELERATE QUICKLY ENOUGH. THE BEST WAY TO

1 DESCRIBE IT IS TO SAY THAT IT'S LIKE TRYING TO
2 ACCELERATE WITH A DIRTY, SEVERELY CLOGGED, 10-
3 YEAR-OLD ENGINE AIR FILTER, AND THE INTAKE
4 CAN'T GET ENOUGH AIR INTO THE ENGINE TO
5 ACCELERATE AS IT SHOULD. I'VE BEEN TO OUR LOCAL
6 DEALERSHIP SEVERAL TIMES ABOUT THIS ISSUE AND
7 IN EVERY INSTANCE WE'RE TOLD THAT THERE IS
8 NOTHING THEY CAN DO UNTIL HYUNDAI RELEASES
9 AN UPDATE OR A RECALL. BUT IN THE MEANTIME, I
10 GUESS I'M SUPPOSED TO CONTINUE PLAYING RUSSIAN
11 ROULETTE WITH MY LIFE. I'M AT NEARLY 9,000 MILES
12 AND THE HESITATION IS STILL AS PRONOUNCED AS IT
13 WAS IN THE BEGINNING. I'M TRYING REALLY HARD TO
14 BE PATIENT AND NOT KEEP COMPLAINING TO OUR
15 LOCAL SERVICE CENTER...BUT WE'VE HAD QUITE A
16 FEW CLOSE CALLS, EXTREMELY CLOSE, AND I'M
17 REALLY HOPING THAT HYUNDAI WILL PLEASE FIX
18 THIS SOON! IN FACT, I JUST READ AN ARTICLE ABOUT
19 HYUNDAI REPLACING THE ENGINES IN THE '17 SANTA
20 FE'S BECAUSE OF A MANUFACTURING ISSUE WITH THE
21 CRANKSHAFT PIN CAUSING THE EXACT SAME
22 SYMPTOMS I'VE EXPERIENCED. SO I HOPE THAT I CAN
23 PLEASE GET MY VEHICLE REPAIRED BEFORE I END UP
24 IN A TERRIBLE ACCIDENT. THANKS!!

- 18 • NHTSA Complaint: PURCHASED CAR IN JUNE 2017 AND
19 CURRENTLY HAVE APPROX. 5100 MILES. WHEN GOING
20 FROM A STANDSTILL STOP OR A SLOW ROLLING
21 START (EXITING A DRIVEWAY) THE ACCELERATION IS
22 LACKING. CAR WILL GO HIGH RPMS BUT NO SPEED.
23 AND WHEN ATTEMPTING TO MERGE ONTO A ROAD
24 WAY IT HAS BECOME A SAFETY CONCERN AS
25 APPROACHING CARS FROM THE REAR CLOSE WHAT
26 WAS A SAFE DISTANCE TO BEING ON TOP OF THE
27 BUMPER IN NO TIME SINCE I CAN NOT ACCELERATE. 0-
28 40 CAN TAKE UPWARDS OF 30 SECONDS WITH PEDAL
DEPRESSED FULL. CAR WAS TAKEN IN FOR SERVICE
AT DEALER IN DECEMBER 2017 AND WAS
"CORRECTED". NOW THE PROBLEM HAS BECOME
WORSE AND CAR WILL PRODUCE PROBLEM MORE

1 FREQUENTLY AND IN ANY DRIVING CONDITION TO
2 INCLUDE BEING IN TRAFFIC. THE ONLY WAY I CAN
3 SOMEWHAT CORRECT THE ISSUES (AND FIGURED IT
4 OUT DURING TRIAL AND ERROR) IS TO TURN THE
5 DRIVE MODE TO SPORT AND TURN OFF TRACTION
6 CONTROL. WHEN CAR IS IN ECO THE PROBLEM IS
7 MUCH MORE SERVE AND IN NORMAL IT FREQUENTLY
8 HAPPENS. I DO NOT FEEL I SHOULD HAVE TO ADJUST
OR TURN OFF SYSTEMS IN A VEHICLE TO MAKE IT
SAFE TO DRIVE NOR SHOULD I HAVE A VEHICLE I CAN
NOT DRIVE AT SAFE SPEEDS.

- 9 • NHTSA Complaint: THERE IS A RECURRING ISSUE WITH
10 THE TRANSMISSION WHERE IN LOW OR SLOW SPEED
11 SITUATIONS WHEN YOU APPLY POWER THE
12 TRANSMISSIONS STUTTERS OR STUMBLES. IT IS MOST
13 PREVALENT WHEN TURNING IN AN INTERSECTION
14 ACROSS ONCOMING TRAFFIC WHERE YOU NEVER
15 QUITE STOP OR WHEN ROLLING AT STOP SIGN. WHEN
16 YOU APPLY THROTTLE THE CAR SHIFT LOGIC SEEMS
17 CONFUSED AT WHAT GEAR TO GO INTO SO IT JUST
18 SITS THERE OR LURCHES, THEN TO GET GOING YOU
19 HAVE TO APPLY FULL THROTTLE SO IT PICKS THE
20 CORRECT GEAR TO ACCELERATE IN. THE CAUSES A
21 HIGH SPEED REACTION IN THE VEHICLE, WHICH IS
22 NOT SAFE EITHER. THIS VEHICILE HAS THREE DRIVING
23 MODES. THE DEFAULT, NORMAL SETTING. ECON, AND
24 SPORT. SPORT SETTING SEEMS TO CORRECT THIS
25 SAFETY ISSUE, BUT IT HAS TO BE TURNED ON EACH
26 TIME THE CAR IS RESTARTED. SPORT MODE THEN
27 LOCKS OUT OVERDRIVE SO YOU MUST THEN
28 PHYSICALLY RETURN THE CAR TO NORMAL MODE TO
GET IT TO RETURN TO 6TH GEAR OR OVERDRIVE. I
HAVE BEEN DRIVING MORE THAN 23 YEARS AND
HAVE HAD PROBABLY 40 DIFFERENT VEHICLES, THIS
TRANSMISSION RENDERS THE VEHICLE NEARLY
UNDRIVABLE IN SOME SITUATIONS. IN CERTAIN
SCENARIOS WHEN YOU REALLY NEED THE VEHICLE
TO ACCELERATE IT MAY NOT AND YOU MAY BE HIT

1 BY ONCOMING TRAFFIC, A TRAIN ETC. THIS HAS BEEN
2 AN ISSUE SINCE THE CAR WAS DRIVEN OFF THE LOT.

- 3 • NHTSA Complaint: WHILE IN SLOW SPEEDS, THE
4 TRANSMISSION STRUGGLES TO SELECT THE PROPER
5 GEAR. CAUSING THE VEHICLE TO ACCELERATE
6 FASTER THAN NORMAL, SPECIALLY WHILE TURNING
7 AFTER REDUCING SPEED. YOU HAVE TO CONTROL
8 THE ACCELERATION USING YOUR DRIVING
9 EXPERIENCE, HOWEVER THIS IS NOT SAFE AT ALL.
10 TESTED USING, ECO, NORMAL AND SPORT DRIVING
11 MODES, THE ONLY TIME I COULDN'T REPRODUCE THE
12 ISSUE WAS WHILE ON SPORT MODE (I WANT TO DRIVE
13 ON ECO WHILE IN THE CITY) HOPEFULLY HYUNDAI
14 WILL TACKLE THIS ISSUE.
- 15 • NHTSA Complaint: WHEN SLOWING DOWN THEN
16 ACCELERATING TO A HIGHER SAY (SAY IN STOP AND
17 GO TRAFFIC) THE TRANSMISSION FREQUENTLY LUGS
18 AND STRUGGLES TO SELECT A GEAR, RESULTING IN A
19 SIGNIFICANT ACCELERATION DELAY. THIS POSES A
20 SAFETY ISSUE AS A DELAY IN ACCELERATION COULD
21 LEAD TO A COLLISION. THIS HAS BEEN AN ISSUE
22 SINCE THE CAR WAS NEW.
- 23 • NHTSA Complaint: PURCHASED NEW ON APRIL 17TH OF
24 THIS YEAR. VEHICLE CONTINUALLY HAS A PROBLEM
25 ACCELERATING FROM LOW SPEED....ROUGHLY
26 BETWEEN 2 AND 10 MILES AN HOUR. IF YOU SLOW
27 DOWN BUT DO NOT COME TO A COMPLETE STOP THE
28 VEHICLE WILL HAVE A LONG PAUSE THEN LURCH
INTO CORRECT GEAR. RENDERS CAR NEARLY
UNDRIVEABLE AT LOW "PARKING LOT" TYPE SPEEDS.
DEALER STATES THAT WITHOUT A CHECK ENGINE
LIGHT THERE IS NO PROBLEM. CLEARLY THERE IS
SOME SORT OF PROBLEM AS EVERY COMPLAINT I SEE
IS REGARDING THIS EXACT SAME ISSUE. HYUNDAI
NEEDS TO FIX THIS OR I WILL TERMINATE MY LEASE
AND SEEK REIMBURSEMENT FOR MONEY SPENT ON
THIS VEHICLE.

- 1 • NHTSA Complaint: I HAVE A 2017 SANTE FE LIMITED
2 ULTIMATE AND WHEN SLOWING DOWN TO BETWEEN
3 10 TO 15 MPH AND THEN TRYING TO ACCELERATE
4 THE 3.3 LITER MOTOR 6 SPEED TRANSMISSION
5 HESITATES WHEN DOWN SHIFTING FROM 3RD GEAR
6 TO 2ND GEAR. THIS HESITATION LEFT ME IN
7 INTERSECTIONS A FEW SECONDS LONGER THAN I
8 SHOULD HAVE BEEN MAKING THE CARS COMING
9 FROM THE OPPOSITE DIRECTION DANGEROUSLY
10 CLOSE TO ME. I'VE BEEN TO TWO HYUNDAI
11 DEALERSHIPS AND AFTER TEST DRIVING THE CAR
12 WITH ME THE HYUNDAI MECHANICS TOLD ME THIS
13 WAS THE WAY THE CARS WERE DESIGNED AND
14 WITHOUT CODE LIGHTS COMING ON THEY COULD
15 NOT FIX THE CAR. HEARING THIS FROM HYUNDAI
16 MECHANICS WAS NOT CONFIDENCE INSPIRING TO
17 LEARN THAT WITHOUT A CODE LIGHT COMING ON
18 THEY COULD NOT FIND OR FIX A PROBLEM. ALSO AT
19 HIGHWAY SPEEDS IF YOU STEP DOWN ON THE GAS
20 TOO FAR THE CAR WILL DOWN SHIFT TO MUCH AND
21 THE MOTOR WILL REV UP TO 6000 RPMS RESULTING
22 THE CAR NOT ACCELERATING. I HAD A 2011 SANTE FE
23 GLS WITH A 6 CYLINDER MOTOR AND IT SEEMED TO
24 BE MORE RESPONSIVE THE TRANSMISSION FOR THAT
25 YEAR SEEMED BETTER MATCHED FOR THE MOTOR
26 AND WORKED FLAWLESSLY. HOPEFULLY HYUNDAI
27 FINDS A FIX/UPDATE FOR THIS PROBLEM BECAUSE
28 THERE IS A LOT TO LIKE ABOUT THIS CAR.
- NHTSA Complaint: TRANSMISSION HESITATES BADLY
FOR ABOUT 1-2 SECONDS BEFORE GOING INTO GEAR
TO MOVE CAR AFTER COMING TO
COMPLETE/ROLLING STOP OR IN SLOW TURNS.
TRANSMISSION DOES THIS ONLY INTERMITTENTLY.
THIS CAN BE DANGEROUS FOR MERGING INTO
TRAFFIC ON HIGHWAY OR STREETS DUE TO FACT
THAT CAR WILL NOT RESPOND IMMEDIATELY TO
DRIVER ACCELERATION INPUT. THIS IS AN ONGOING

1 PROBLEM SINCE WE BOUGHT THE CAR BRAND NEW 3
2 WEEKS AGO.

- 3 • NHTSA Complaint: WHEN DEPRESSING THE
4 ACCELERATOR AT SPEEDS LESS THAN ABOUT 10MPH,
5 THE VEHICLE HAS A VERY SIGNIFICANT
6 HESITATION/ENGINE STUMBLE - ABOUT 2 SECONDS
7 WHEN THE VEHICLE IS COMPLETELY NON-
8 RESPONSIVE AND BOGS DOWN. HAPPENS EVERY TIME
9 AT LOW SPEED TURNS, AND IS DANGEROUS WITH
10 VEHICLES BEHIND. OWNED A 2014 HYUNDAI SANTA
11 FE SPORT 2.0 TURBO AND NEVER HAD AN ISSUE WITH
12 IT. I HOPE AND PRAY THEY CAN FIX THIS ISSUE
13 BECAUSE THIS VEHICLE HAS A LOT TO OFFER BUT
14 THIS PROBLEM TAKES AWAY FROM ALL OF IT. ALSO
15 RECEIVED A SURVEY FROM HYUNDAI ENGINEERS
16 AND IN THE "ENGINE" CATEGORY THE ONLY
17 COMPLAINT TO PICK FROM WAS "ENGINE STUMBLES"
18 COINCIDENCE OR ARE THEY WORKING TO RESOLVE
19 THIS ISSUE?
- 20 • NHTSA Complaint: 2017 SANTA FE SE 3.3L V-6 (3 ROW)
21 FREQUENTLY HESITATES/STUMBLES BADLY WHEN
22 GIVEN NORMAL ACCELERATION AT 5-15 MPH. WHEN
23 SLOWING DOWN OR ROLLING STOP, VEHICLE SEEMS
24 NOT TO DOWNSHIFT FROM 3RD GEAR TO 2ND GEAR
25 CORRECTLY. CAR IS UNRESPONSIVE FOR 1-3
26 SECONDS, THEN THERE IS A DELAY AND LURCHING
27 FORWARD AS THE CAR FINALLY DOWNSHIFTS AND
28 ACCELERATES. I HAVE HAD A NUMBER OF
DANGEROUS CIRCUMSTANCES WHERE THE CAR
STUMBLED JUST AS I WAS ACCELERATING TO MERGE
WITH FASTER TRAFFIC. THE SELLING DEALER DROVE
THE CAR AND COULD NOT FIND A PROBLEM OR AN
ERROR CODE IN ANY OF THE ONBOARD SYSTEMS.
PROBLEM OCCURS IN ALL 3 DRIVE MODES. PROBLEM
BECAME VERY NOTICEABLE AT APPROXIMATELY 200
MILES. CAR NOW HAS 1300 MILES. PROBLEM HAS NOT
IMPROVED OR CHANGED SINCE I PURCHASED THE
CAR NEW IN APRIL, 2016.

- 1 • NHTSA Complaint: TRANSMISSION NOT DOWN
2 SHIFTING WHEN RE THROTTLING OUT OF CORNERS
3 AS IN TURNING AND WHEN TRYING TO CROSS
4 TRAFFIC, YOU SLOW DOWN THAN HIT THE GAS AND
5 IT FEELS LIKE IT'S IN A HIGH GEAR ,YOU SLOWLY
6 CREEPS OUT INTO ON COMING TRAFFIC WAITING FOR
7 THE DOWN SHIFT TO PUT YOU INTO 1 ST GEAR SO
8 YOU WON'T BE KILLED BY ON COMING FLOW, VERY
9 DANGEROUS, VEHICLE ONE WEEK OLD
- 10 • NHTSA Complaint: BRAND NEW VEHICLE (1600 MILES)
11 HESITATES WHEN I GO FROM A COMPLETE STOP AND
12 START TO ACCELERATE AT LOW SPEEDS. MAINLY
13 NOTICE IT WHEN TAKING A CORNER. IT SEEMS AS IF
14 IT HAS TROUBLE SELECTING THE GEAR AND ONCE IT
15 DOES, IT LURCHES FORWARD. DANGEROUS WHEN
16 PULLING OUT INTO TRAFFIC AS THE HESITATION
17 PUTS YOU IN THE MIDDLE OF THE ROAD JUST A
18 LITTLE TOO LONG FOR COMFORT. ALSO, MY
19 TRACTION CONTROL LIGHT WILL COME ON AROUND
20 CERTAIN CORNERS AND LEAVES ME WITHOUT
21 CONTROL OF THE CAR. ALSO ANOTHER SAFETY ISSUE
22 AS AGAIN THE CAR HESITATES OR LOCKS UP
23 BECAUSE OF THIS FEATURE AND DOESN'T ALLOW ME
24 TO DRIVE FORWARD AS I WISH. IT'S THE MIDDLE OF
25 THE SUMMER WITHOUT ANY RAIN AND DEFINITELY
26 NO SNOW ON THE GROUND (I'D SAY PERFECT ROAD
27 CONDITIONS) SO NO REAL REASON WHY MY
28 TRACTION CONTROL SHOULD BE TURNING ON
AROUND CORNERS. VERY CONCERNED ABOUT THIS
ISSUE! ALSO, I SHOULD NOTE THAT THESE ISSUES
HAVE BEEN HAPPENING LONG BEFORE 1600 MILES. I
NOTICED THEM THE FIRST WEEK OR SO THAT I TOOK
THE VEHICLE HOME SO DEFINITELY LESS THAN 500
MILES AS I BOUGHT IT NEW. FOR A BRAND NEW,
FAIRLY EXPENSIVE VEHICLE I SHOULDN'T HAVE TO
FEEL LIKE MY CONFIDENCE IN IT'S BASIC
PERFORMANCE IS COMPROMISED.

- 1 • NHTSA Complaint: HE VEHICLE : "CHOKES" OUT AT
2 LOW SPEED OFTEN WHEN TURNING A CORNER OR
3 FROM A SLOW START. I TOOK THE VEHICLE INTO THE
4 DEALER AND THEY RAN DIAGNOSTICS AND
5 DECLARED THEY DETECTED NO PROBLEM.
6 HOWEVER, THE PROBLEM STILL EXISTS AND MAY
7 CAUSE AN ISSUE IF ACCELERATION IS REQUIRED.
- 8 • NHTSA Complaint: HESITATES WHEN TAKING OFF.
9 JERKS AT ABOUT 10 MPH AND THEN AGAIN AT ABOUT
10 20 MPH BUT NOT AS BAD AS AT 10 MPH. HESITATES
11 WHEN GIVEN GAS AFTER JERKING. FEELS AS IF I
12 HAVE GOT TO ABOUT 10 MPH THEN SLAMMED ON MY
13 BREAKS BEFORE IT WILL START TO GO AGAIN. I'M
14 SCARED TO TRY AND PULL OUT INTO BUSY TRAFFIC. I
15 AM WORRIED I WILL GET HIT DUE TO NOT BEING
16 ABLE TO DEPEND THAT IT WILL GO WHEN I'M TRYING
17 TO GO.
- 18 • NHTSA Complaint: I AM EXPERIENCE A HESITATION IN
19 THE ACCELERATION FROM EITHER A DEAD STOP OR
20 A ROLLING STOP. WHEN THE ACCELERATOR IS
21 PUSHED, THERE IS A 1-2 SECOND DELAY IN POWER.
22 THE ENGINE APPEARS TO CUT OUT AND THEN IT
23 KICKS IN AND TAKES OFF. THE FIRST HAPPENED
24 WITH 50 MILES ON THE CAR AND HAS HAPPENED
25 OVER TWO DOZEN TIMES OVER THE NEXT 3700 MILES.
26 NOT ONLY IS IT VERY ANNOYING, BUT HAS BEEN
27 DANGEROUS WHEN TRYING TO ENTER A LANE TO
28 GET UP TO SPEED WITH TRAFFIC.
- NHTSA Complaint: SOMETIMES AFTER SLOWING TO
MAKE A TURN THE CAR'S ENGINE SEEMS TO
"STUMBLE" FOR A SECOND BEFORE ACCELERATION
CAN BEGIN. COMES AS A SURPRISE AND BECAUSE OF
THE HESITATION CATCHING ME OFF-GUARD I AM
PITCHED FORWARD IN MY SEAT. NOTHING
CATASTROPHIC, BUT VERY ANNOYING AND COULD
BE DANGEROUS TO A DRIVER NOT KNOWLEDGEABLE

1 ABOUT THIS PROBLEM. THIS IS A BRAND NEW CAR
2 AND I NOTICED THIS PROBLEM AFTER ONLY A DAY
3 OR TWO OF OWNERSHIP. I SUSPECT THIS IS A
4 SOFTWARE ISSUE AND CAN BE FIXED WITH A
5 REFLASH OF THE ECU, BUT THAT'S JUST MY BEST
6 GUESS. HAVE NOT CONTACTED THE DEALERSHIP
7 YET, BUT THOUGHT I'D FILE THIS COMPLAINT FIRST
8 TO SEE IF A RECALL CAN BE ISSUED TO FIX THIS
9 PROBLEM.

- 10 • NHTSA Complaint: THE CARE HAS LESS THAN 200
11 MILES ON IT. IT HAS A SERIOUS HESITATION
12 PROBLEM WHEN SLOWING DOWN AND THEN
13 ATTEMPTING TO ACCELERATE. THIS HAS CAUSED ME
14 A COUPLE OF NEAR COLLISIONS WHEN SLOWING
15 DOWN THROUGH AN INTERSECTION AND THEN
16 ATTEMPTING TO DRIVE THROUGH. THE CAR WILL
17 NOT RESPOND IMMEDIATELY TO MAY ATTEMPT TO
18 ACCELERATE. THERE ARE NUMEROUS OTHER
19 COMPLAINTS OF THIS MAKE AND MODEL (I HAVE THE
20 SANTA FE ULTIMATE VERSION).
- 21 • NHTSA Complaint: TL* THE CONTACT OWNS A 2017
22 HYUNDAI SANTA FE. WHILE ATTEMPTING TO
23 ACCELERATE, THE VEHICLE STALLED WITHOUT
24 WARNING. THE CONTACT STATED THAT THE FAILURE
25 OCCURRED EVERY TIME THE VEHICLE WAS DRIVEN.
26 THE VEHICLE WAS TAKEN TO THE DEALER WHERE
27 THE FAILURE WAS ACKNOWLEDGED, BUT THERE
28 WAS NO REMEDY. THE MANUFACTURER WAS
NOTIFIED OF THE FAILURE. THE APPROXIMATE
FAILURE MILEAGE WAS 3,000.
- NHTSA Complaint: WHEN ACCELERATING AFTER
SLOWING DOWN TO EITHER MAKE A LEFT OR RIGHT
TURN CAR LOSES POWER TO THE ENGINE. IT APPEARS
THAT THE CAR IS HESITATING TO ACCELERATE AND
CAN BE VERY DANGEROUS WHEN ENTERING THE
HIGHWAY. THIS CAN BE VERY FATAL ESPECIALLY
FOR DRIVERS UNAWARE OF THIS ISSUE. IF IT

1 PRESENTS ITSELF AT THE WRONG TIME CAN LEAD TO
2 A VERY SERIOUS ACCIDENTS WITH POTENTIAL
3 FATALITIES. THIS HAS HAPPENED SINCE THE CAR
4 WAS PURCHASED IN MAY 2016 CURRENTLY CAR HAS
5 OVER 1600 MILES (3 MONTHS OWNED). POTENTIAL RE-
6 FLASHING OF AUTOMOTIVE COMPUTER IS REQUIRED.
7 COULD BE PART OF THE TRACTION CONTROL SYSTEM
8 AND THE CARS ROLL OVER SENSORS WHICH CAN BE
9 CONTRIBUTING. HYUNDAI HAS TO RESEARCH THIS
10 BEFORE SOMEONE GETS INJURED.

- 11 • NHTSA Complaint: ON LOW SPEED TURNS (BELOW 20
12 MPH) THE ENGINE AND TRANSMISSION EXHIBIT A
13 LOSS OF POWER. THIS JEOPARDIZES MY FAMILY'S
14 SAFETY WHEN TURNING IN TRAFFIC. I HAVE OPENED
15 A CASE WITH HYUNDAI AMERICA (#9484960) WHO
16 LEFT ME A VOICEMAIL (STILL HAVE IT) STATING
17 THERE IS A SOFTWARE UPDATE TO ADDRESS THE
18 ISSUE I DESCRIBED. I HAD UPDATE #16-01-032 APPLIED
19 ON 08/15/2016. HOWEVER, THE ISSUE IS TILL PRESENT.
20 I ALSO JUST DISCOVERED THAT WHEN TOWING A
21 TRAILER THE RIGHT TURN SIGNAL DOES NOT WORK.
22 THIS IS ANOTHER SAFETY ISSUE. ADDITIONALLY THE
23 LIGHTS OF THE TRAILER CONSTANTLY RUN EVEN
24 WHEN THE POWER IS COMPLETELY OFF. LASTLY THE
25 HARNESS WHERE THE TRAILERS ELECTRICAL PLUGS
26 INTO ON THE VEHICLE, POPS OUT OF PLACE WHEN
27 PLUGGING IT IN. IN TURN CAUSING ME TO RESEAT
28 THE VEHICLES HARNESS EACH TIME. I WANT OUT OF
THIS VEHICLE BUT THEY WILL NOT OFFER ME A BUY
BACK. I PLAN TO CONTACT A LEMON LAW ATTORNEY
AS I AM UNABLE TO RECEIVE HELP OTHERWISE.
- NHTSA Complaint: THE TRANSSMISION FAILS TO SHIFT
DOWN UPON COMING TO A ROLLING STOP, SUCH AS
WHEN COMING TO A STOP AT A RED LIGHT, THEN THE
LIGHT GOES GREEN AND YOU ACCELERATE, OR
TURNING IN AN INTERSECTION AFTER COMING TO A
NEAR STOP, OR AFTER TRAFFIC SLOWS AND YOU
COME TO A NEAR STOP BEHIND A CAR, THEN TRAFFIC

1 BEGINS TO MOVE AND YOU ACCELERATE OUT OF THE
2 SLOW DOWN. UPON ACCELERATION, THE CAR
3 INITIALLY DOES NOT RESPOND, THEN IMMEDIATELY
4 FOLLOWING THE HESITATION, LURCHES FORWARD
5 AS THE TRANSMISSION FINALLY SHIFTS TO A LOWER
6 GEAR. THIS USUALLY OCCURS AT SPEEDS UNDER
7 10MPH. THE SITUATION IS DANGEROUS AS THE
8 HESITATION IS NOT ONLY ABRUPT, BUT LEAVES YOU
9 HANGING PRECARIOUSLY, MOMENTARILY DEAD IN
10 THE WATER WHEN ACCELERATION IS NEEDED IN
11 TRAFFIC. THIS PROBLEM HAS BEEN REPORTED TO
12 THE MANUFACTURER. THE MANUFACTURER FEELS IT
13 IS A SOFTWARE GLITCH. THE FREQUENCY OF THE
14 PROBLEM IS INCREASING, AND MAY EVENTUALLY
15 LEAD TO AN ACCIDENT. THE VEHICLE PERFORMS
16 WELL OTHERWISE.

- 13 • NHTSA Complaint: HESITATION WHEN TURNING AND
14 ACCELERATING FROM A STOP, AS YOU DO WHEN
15 PULLING OUT INTO TRAFFIC. CAR NEARLY COMES TO
16 A STOP. NEARLY HAD AN ACCIDENT AND I HAVE LESS
17 THAN 1000 MILES ON ODOMETER. DOES THIS
18 INTERMITTENTLY AND IS BAR TO RECREATE AT
19 WILL. HAPPENS MOSTLY IN NORMAL MODE. NEED A
20 RECALL AND FIX!!
- 21 • NHTSA Complaint: I HAVE A 2017 HYUNDAI SANTA FE
22 LIMITED ULTIMATE AND LIKE MANY PEOPLE ACROSS
23 THE USA THE CAR HAS HESITATION WHEN TRYING TO
24 ACCELERATE AT SPEEDS BELOW 20 MPH. I HAD THE
25 RECALL / REFLASH OF THE COMPUTER DONE ON
26 08/10/16 AND THE HESITATION IN TURNS IS A LITTLE
27 LESS ABRUPT BUT STILL PRESENT AND
28 INTERMITTENT. I NEVER HAD HESITATION WHEN 4TH
GEAR DOWN SHIFTED TO 3RD GEAR GOING STRAIGHT
BUT I NOW HAVE IT ALONG WITH HESITATION WHEN
THE CAR DOWN SHIFTS FROM 3RD TO 2ND. I'VE
CALLED HYUNDAI CUSTOMER SERVICE AND ASKED
FOR A BUY BACK AND THEY TOLD ME CHRIS FROM
REGIONAL WILL CALL ME BACK IN 3 TO 5 BUSINESS

1 DAYS I'VE CALLED CUSTOMER SERVICE TWICE AND
2 ASKED FOR AN UPDATE ON MY CASE (CASE NUMBER
3 9309476) AND THEY JUST KEEP TELLING ME
4 REGIONAL WILL CALL ME THAT WAS TWO WEEKS
5 AGO. I HAVE NEVER ASKED FOR A BUY BACK ON ANY
6 CAR AND I HAVE BEEN VERY PATIENT AS MANY
7 PEOPLE HAVE BEEN ACROSS THE COUNTRY BUT AT
8 THIS POINT I FEEL I AM GOING TO HAVE TO CONTACT
9 A LAWYER THAT HANDLES LEMON LAWS TO GET
10 ANY RESULTS. IN ADDITION HYUNDAI HAS NEVER
11 ADDRESSED THE LACK OF AUDIBLE WARNING IN THE
12 FRONT PASSENGER SEAT WHEN THE OCCUPANT DOES
13 NOT FASTEN THEIR SAFETY BELT . GOOD LUCK TO
14 ALL WITH SAME ISSUE.

- 15 • NHTSA Complaint: WHEN ACCELERATING FROM A STOP
16 AND ENTERING TRAFFIC, WHEN YOU PRESS ON
17 ACCELERATOR THE TRANSMISSION DIS ENGAGES
18 AND LEAVES YOU IN THE MIDDLE OF THE
19 INTERSECTION WITH NO POWER AND PUTTING YOU
20 IN DANGER OF BEING HIT. ONCE TRANSMISSION
21 KICKS BACK IN, THE ENGINE REVS AND VEHICLE
22 JOLTS. THIS IS VERY DANGEROUS AND WILL GET
23 SOMEONE KILLED. HYUNDAI HAS TO ADDRESS THIS
24 ISSUE.
- 25 • NHTSA Complaint: WHEN ACCELERATING AT LOW
26 SPEEDS, THE VEHICLE DOES NOT SHIFT PROPERLY
27 AND POSES DANGER. TOOK IT TO A DEALER AND
28 CONFIRMED THAT THE VEHICLE DOES NOT SHIFT
PROPERLY. SINCE IT DOES NOT THROW CHECK
ENGINE LIGHT, DEALER SPECIFIED THAT THEY ARE
NOT SUPPOSED TO FIX IT WITHOUT ANY CODE. THIS
LOOKS REALLY DANGER.
- NHTSA Complaint: I BOUGHT A 2017 HYUNDAI SANTE
FE TORBO ULTIMATE AND FOUND ON
EXCELLERATION THERE WAS A BAD HESITATION. I
WAS ALMOST KILLED WHEN GOING ON TO THE
HIGHWAY, A TRACTOR TRAILER WAS FAR ENOUGHT

1 AWAY FROM ME TO PULL OUT, BUT UPON STEPPING
2 ON THE GAS THE CAR HESITATED SO BAD IT ALMOST
3 STALLED, THEN THE TACH SHOT TO 6000 RPM'S AND
4 IT TOOK OFF. THANK GOD I COULD PULL OVER OR I
5 WOULD HAVE BEEN KILLED.

- 6 • NHTSA Complaint: SANTA FE WILL STALL FROM A
7 STOP WHEN MAKING A TURN ALSO WILL STALL AT A
8 SLOW SPEED WHEN YOU TRY TO GIVE IT GAS THE
9 DATE I PUT ON THIS FORM IS THE LAST TIME IT
10 HAPPENED. THIS PROBLEM HAS HAPPENED BEFORE.

- 11 • NHTSA Complaint: VEHICLE HESITATES WHEN
12 PULLING OUT IN TRAFFIC FROM A TURN OR STOP
13 LIKE IT'S NOT IN GEAR MOMENTARILY. VERY
14 DANGEROUS, PLEASE FIX BEFORE SOMEONE IS
15 KILLED. ALSO I HAVE ONLY 2100 MILES ON THE CAR
16 AND I NOTICED THE PAINT HAS CHIPS ALL OVER THE
17 HOOD, FRONT BUMPER, QUARTER PANELS. I DON'T
18 KNOW IF HYUNDAI IS USING VERY CHEAP CLEAR
19 COAT OR IF IT'S JUST TOO THIN, BUT AT THIS RATE
20 THE PAINT WILL BE GONE IN A YEARS TIME. I OWN A
21 2011 SORENTO (BOUGHT NEW) THAT HAS LESS CHIPS
22 ON IT. COME ON HYUNDAI FIX THESE ISSUES OR GET
23 YOUR CARS OUT OF THE USA. ALL BRANDS HAVE
24 ISSUES BUT IT'S HOW YOU RESOLVE THEM THAT
25 MATTERS.

- 26 • NHTSA Complaint: I HAVE HAD THE CAR 2.5 MONTHS
27 AND AT LEAST ONCE A DAY THERE IS A MAJOR
28 DELAY WHEN ACCELERATING FROM A STOP OR
ROLLING STOP. THE CAR JERKS, AND DOES NOT
ACCELERATE FOR A FEW SECONDS. THIS IS VERY
DANGEROUS WHEN TURNING, GETTING ONTO THE
FREEWAY, CHANGING LANES, ETC. I CAN NOT
AFFORD TO HAVE MY CAR NOT ACCELERATE WHEN I
PUSH ON THE GAS!! HOW IS THIS GOING TO BE FIXED?
I SEE THERE HAVE BEEN COMPLAINTS ON THIS FOR
MONTHS!

- 1 • NHTSA Complaint: I HAVE BEEN EXPERIENCING
2 INTERMITTENT HESITATION WITH ACCELERATION
3 (ESPECIALLY WHEN RESUMING SPEED AFTER
4 SLOWING DOWN). I HAVE TAKEN CAR BACK TO
5 DEALERSHIP 3 TIMES. THEY PERFORMED A
6 COMPUTER UPDATE TO "RELEARN MY DRIVING
7 STYLE" AND THEN THEY REPLACED THE
8 TRANSMISSION. NOTHING HAS HELPED. I HAD THE
9 TECH TEST-DRIVE WITH ME. HE FELT THERE WAS A
10 SHIFT-LAG FROM 3-2, BUT SAID IT WAS NORMAL. I'M
11 TOLD NOTHING ELSE CAN BE DONE UNTIL A RECALL
12 IS ISSUED. I'VE HAD MY CAR 2 MONTHS (4000 MILES)
13 AND IT HAS NEVER DRIVEN RIGHT SINCE I BROUGHT
14 IT HOME. *TR
- 15 • NHTSA Complaint: THE 2017 HYUNDAI SANTA FE
16 LIMITED WILL BOG DOWN WHEN STARTING FROM A
17 STOPPED OR LOW SPEED WHILE TRYING TO MERGE
18 INTO TRAFFIC OR TURNING. THERE IS A SIGNIFICANT
19 HESITATION - ALMOST TO THE POINT OF STOPPING
20 WHILE MERGING - VERY SIGNIFICANT SAFETY ISSUE.
21 BEEN AN ONGOING PROBLEM SINCE BOUGHT 5/31/16
- 22 • NHTSA Complaint: INTERMITTENTLY SINCE
23 PURCHASING THE VEHICLE ON 3/28/16, WHEN
24 ACCELERATING FROM A STOP (EG. MERGING INTO
25 TRAFFIC), USUALLY TURNING TO THE RIGHT OR LEFT,
26 THE VEHICLE HESITATES FOR WHAT SEEMS TO BE
27 MORE THAT A COUPLE OF SECONDS. THE HESITATION
28 IS ENOUGH TO CAUSE PANIC THAT ONCOMING
TRAFFIC WILL HAVE TO STOP ABRUPTLY TO AVOID A
COLLISION. ON ONE OCCASION, THE VEHICLE WAS
PULLED OFF THE SIDE OF THE ROAD TO GET OUT OF
THE WAY OF TRAFFIC BECAUSE IT WOULD NOT
ACCELERATE FAST ENOUGH. THE CONDITION IS VERY
WORRISOME BECAUSE YOU NEVER KNOW WHEN IT
WILL OCCUR, WE CAN'T SEEM TO MAKE IT HAPPEN
ON COMMAND. THE 3.3L V6 IS VEY PEPPY WHEN
EVERYTHING IS WORKING RIGHT, BUT YOU LOSE
CONFIDENCE IN IT WHEN THESE HESITATION EVENTS

1 OCCUR. ADDITIONALLY, WE HAVE NOTICED THAT
2 THE VEHICLE HAS A HARD TIME SELECTING A GEAR
3 WHEN DOWNSHIFTING WHILE MOVING AT AROUND
4 30-40 MPH. WHAT HAPPENS IS THE TRANSMISSION
5 SEEMS TO STAY IN A "FLOAT" CONDITION FOR AN
6 EXTENDED PERIOD OF TIME AND FINALLY WILL
7 SELECT THE GEAR AND ACCELERATE. DON'T KNOW IF
8 THE TWO CONDITIONS ARE RELATED, BUT BOTH ARE
9 SCARY WHEN ACCELERATION DOESN'T HAPPEN
10 WHEN YOU PRESS THE ACCELERATOR PEDAL. THE
11 DATE OF WHEN THIS HAPPENED IS FOR THE MOST
12 RECENT.

- 13 • NHTSA Complaint: WHEN DOING A LOW SPEED
14 TURN,AND DRIVE MODE SWITCH IS IN ECO
15 MODE,WAY TOO MUCH LAG TIME BEFORE VEHICLE
16 ACCELERATES.YOU PUSH ACCELERATOR PEDAL
17 DOWN ,NORMALLY,AND VEHICLE DOES NOT SPEED
18 UP ,INSTANTLY.SOMETIMES,IT IS A FULL SECOND
19 BEFORE VEHICLE STARTS TO GAIN SPEED.THAT IS
20 DANGEROUS WHEN VEHICLES ARE APPROACHING
21 YOU.I HAVE HAD THE VEHICLE ONLY THREE
22 WEEKS,AND THIS CAN BE EXTREMELY DANGEROUS.I
23 TRADED IN A LIKE MODEL VEHICLE,WHICH WAS A
24 2013 YEAR,AND IT DID NOT HAVE THAT ISSUE IN ECO
25 MODE.THIS ISSUE MUST BE FIXED.
- 26 • NHTSA Complaint: WHEN ACCELERATING THE CAR
27 BOGS DOWN. IT HAPPENS RANDOMLY. DANGEROUS IF
28 YOU ARE MAKING A LEFT HAND TURN WITH
ONCOMING TRAFFIC. YOU CAN GET STUCK IN THE
INTERSECTION.
- NHTSA Complaint: ENGINE STALLING AT SLOW
SPEEDS. FURTHER, AT SLOW SPEEDS, THERE IS A
SIGNIFICANT DELAY OF SEVERAL SECONDS FOR
POWER DELIVERY. FOR EXAMPLE, IF DRIVING
SLOWLY, SAY AT 5 MPH, AND POWER IS NEEDED
IMMEDIATELY (SUCH AS IN AN EMERGENCY OR A
LANE CHANGE SITUATION), NOTHING HAPPENS FOR

1 OVER 3 SECONDS WHEN THE ACCELERATOR PEDAL IS
2 DEPRESSED, FOLLOWED BY A DANGEROUS LURCH
3 WHEN POWER IS DELIVERED SUDDENLY. THIS IS A
4 HIGHLY DANGEROUS AND UNACCEPTABLE
5 CONDITION. I SPOKE TO THE DEALER, WHO
6 DISMISSED MY COMPLAINT AND CLAIMED THAT "ALL
7 CARS ARE THE SAME THESE DAYS". THIS IS A
8 REGULAR PROBLEM THAT OCCURS MULTIPLE TIMES
9 EVERY DAY.

- 10 • NHTSA Complaint: MY BRAND NEW 2017 SANTA FE
11 LIMITED HESITATES BADLY WHEN COMING OUT OF
12 TURNS AND ATTEMPTING TO ACCELERATE...JUST
13 SHORT OF COMING TO A STOP. IT IS VERY
14 PRONOUNCED WHEN IN ECO MODE, BUT IS AN ISSUE
15 TO A LESSER DEGREE IN THE OTHER TWO DRIVING
16 MODES. DOES ANYONE ELSE HAVE THIS ISSUE? (I
17 HAVE AN APPOINTMENT SOON TO GET IT LOOKED AT,
18 BUT WAS TOLD THAT THERE IS NO ADJUSTMENT
19 THAT THEY CAN DO.) IT IS UNACCEPTABLE AND I'M
20 LOOKING TO HEAR IF THIS IS A COMMON. THE
21 OWNERS MANUAL STATES THAT PERFORMANCE IN
22 ECO MODE IS LESS. BUT THIS IS VERY ANNOYING
23 AND BORDERS BEING DANGEROUS.

- 24 • NHTSA Complaint: 2017 STA FE 7 SEATER:WHEN GOING
25 TO A SLOW SPEED TO ALMOST COMPLETE STOP THEN
26 TRY TO TURN RIGHT FROM THE INTERSECTION,THE
27 SUV CAN'T FIND THE RIGHT GEAR FOR FEW SECONDS
28 THEN LOUNGES ABRUPTLY THAT JOLT YOUR BODY
FORWARD AND BACK FROM YOUR SEAT.IT SHIFT
BEAUTIFULLY WHEN TURNING TO THE LEFT OR FROM
STRAIGHT LINE.IT FEELS VERY WEIRD AND
DANGEROUS THAT YOU MIGHT HIT THE CAR IN
FRONT OF YOU OR YOU MIGHT BE HIT FROM BEHIND.I
HOPE THAT YOUR GOOD OFFICE WILL INVESTIGATE
THIS PROBLEM BEFORE ANY ACCIDENT HAPPENS.IT
MAKES ME NERVOUS EVERY TIME I MAKE A RIGHT
TURN.

- 1 • NHTSA Complaint: CAR HESITATES TO ACCELERATE
2 FROM A COMPLETE STOP, ACCELERATING WHILE
3 COMING OUT OF TURN, OR SLOWING DOWN AND
4 ACCELERATING AGAIN. ALSO SEEMS TO BE USING A
5 LOT OF GAS. HAVEN'T CALCULATED IT YET BUT CAN
6 SEE THE FUEL GAUGE LOWER AS I'M DRIVING. CAR
7 ONLY HAS 17000 MILES.
- 8 • NHTSA Complaint: HIT POT HOLE AFTER STOP AND
9 STABILITY CONTROL STOPS POWER TO
10 TRANSMISSION...5-8 SECONDS OF NO ACCELARATION
11 HAS CAUSED SAFETY ISSUE WHEN MERGING INTO
12 TRAFFIC. APPEARS TO BE A VERY COMMON PROBLEM
13 ON USER BASED FORUMS.
- 14 • NHTSA Complaint: WHEN MAKING A RIGHT, LEFT, OR U
15 TURN THE POWER COMPLETELY CUTS OUT AND THE
16 CAR IS LEFT DRIFTING WITHOUT POWER. THEIR IS NO
17 RESPONSE TO PUSHING ON THE GAS PEDDLE WHEN
18 THIS HAPPENS. AT THE SAME TIME ON THE DASH THE
19 ORANGE TRACTION CONTROL LIGHT COMES ON. THIS
20 LAST FOR A NUMBER OF SECONDS AND THEN THE
21 ENGINE STARTS TO ONCE AGAIN RESPOND TO THE
22 GAS PEDDLE. THIS PROBLEM HAS HAPPENED TO ME
23 AND MY WIFE 12 TIMES SINCE WE PURCHASED THE
24 CAR 3-1/2 MONTHS AGO. THE PROBLEM HAS
25 OCCURRED IN ALL WEATHER CONDITIONS FROM A
26 STANDING START AND A ROLLING YIELD OR U TURN.
27 THE PROBLEM HAS ALWAYS OCCURRED ON A PAVED
28 PUBLIC, CITY/COUNTY, STREET I HAVE HAD THE CAR
TO TWO DIFFERENT DEALERS, ONE SEVERAL TIMES,
AND BOTH TELL ME THAT THEIR ARE "NO CODES
SHOWING" SO THAT THEIR IS NOTHING THAT THEY
CAN DO. YOU HAVE TO EXPERIENCE THE FRIGHT OF
LOOSING POWER WHILE YOU'RE IN THE PROCESS OF
A RIGHT OR LEFT HAND TURN WITH TRAFFIC COMING
AT YOU FROM ONE OR BOTH SIDES TO APPRECIATE
HOW TRULY DANGEROUS THIS CAR IS. THIS IS OUR
4TH OR 5TH SANTA FE, UP TO NOW ALL OF THEM

1 HAVE BEEN GREAT BUT I AM AFRAID TO DRIVE THIS
2 NEW CAR WE HAVE NOW.

- 3 • NHTSA Complaint: SOMETIMES, WHEN I PRESS THE
4 GAS TO ACCELERATE, MY CAR DOES NOT GO. IT WILL
5 MOVE FORWARD AT A SLOW PACE BUT THEN
6 DOESN'T GO AS FAST AS I'M PRESSING THE GAS
7 PEDAL, EVEN THOUGH MY RPMS ARE INCREASING.
8 THIS HAS ALMOST CAUSED AN ACCIDENT BECAUSE
9 THE CAR DOES NOT PERFORM AS IT SHOULD.
10 HAPPENED TODAY FOR PROBABLY THE 10TH TIME
11 SINCE I'VE HAD THE CAR, LESS THAN A MONTH.
12 PULLING OUT OF A PARKING LOT ONTO THE STREET,
13 MY CAR MOVE'S FORWARD VERY SLOWLY THEN
14 WHEN I GO TO INCREASE MY SPEED THE CAR
15 DOESN'T GO FASTER.
- 16 • NHTSA Complaint: 2017 SANTA FE ULTIMATE 2.0T. CAR
17 DOES NOT ACCELERATE AND LAGS. HAPPENS AT A
18 LOWER SPEED AND FROM A STOP. VERY SCARY
19 WHEN MAKING A LEFT TURN AND ENTERING
20 FREEWAY. DEPRESSING ACCELERATOR AND NOTHING
21 HAPPENS FOR A SECOND OR MORE, THEN ALL OF A
22 SUDDEN IT TAKES OFF. AT LOW SPEED IN PARKING
23 LOT DEPRESS ACCELERATOR LIGHTLY AND CAR
24 TAKES OFF. WHEN ACCELERATING FROM A STOP CAR
25 WILL ACCELERATE QUICKLY WHILE DEPRESSING
26 PEDAL GENTLY. DOES NOT HAPPEN EVERY TIME BUT
27 IS FREQUENT ENOUGH TO BE CONCERNED. HAS
28 HAPPENED SINCE NEW.
- NHTSA Complaint: THE VEHICLE FAILS TO
ACCELERATE PAST THE INITIAL PRESS OF THE
ACCELERATOR FROM A STOP LEAVING YOU
COMMITTED IN TRAFFIC WITHOUT POWER FOR
AROUND 2 SECONDS. STEPPING ON THE
ACCELERATOR FAILS TO PRODUCE ANY POWER. JUST
HAD THE VEHICLE LOOKED AT BY HYUNDAI WHO
SAID THEY CAN FIND NOTHING WRONG. HYUNDAI
ALSO SAID THERE ARE NO BULLETINS OR RECALLS. A

1 SEARCH ON THE INTERNET SHOWS AN ALARMING
2 AMOUNT OF CHATTER FROM OTHER OWNERS WITH
3 THE SAME ISSUE. THERE IS UNDER 6000 MILES ON THE
4 VEHICLE AND THIS HAS HAPPENED NUMEROUS
5 TIMES, INTERMITTENTLY.

- 6 • NHTSA Complaint: MY WIFE AND I HAVE HAD THE
7 SAME INTERMITTENT PROBLEM SINCE ACQUIRING
8 OUR 2017 SANTA FE BRAND NEW IN THE LATE SPRING
9 OF 2016. WHEN TURNING FROM A STOP OR MAKING A
10 VERY LOW SPEED TURN, AND THEN STARTING TO
11 ACCELERATE, THE VEHICLE WILL STALL AND
12 HESITATE, NOT MOVING OR "CATCHING" FOR 1-2
13 SECONDS. THIS HAS HAPPENED TO US
14 APPROXIMATELY 6-8 TIMES. AND I'VE NEARLY BEEN
15 REAR-ENDED ON SEVERAL OF THOSE OCCASIONS
16 BECAUSE I WAS STALLED IN FRONT OF TRAFFIC
17 BEHIND ME, ALSO TRYING TO MAKE THE TURN .
18 ONCE I BARELY CLEARED THE INTERSECTION AT A
19 LIGHT WHEN TURNING LEFT, HAVING THE SANTA FE
20 STALL IN THE FACE OF ONCOMING TRAFFIC. I WAS
21 NEARLY BROADSIDED BY SWIFT MOVING, ONCOMING
22 TRAFFIC. SOMEONE IS GOING TO BE KILLED IF THIS
23 PROBLEM IS NOT FULLY ADDRESSED AS SOON AS
24 POSSIBLE. THE PUBLIC NEEDS PROTECTION AND A
25 REMEDY. I CAN'T IMAGINE HYUNDAI IS UNAWARE OF
26 THIS PROBLEM. I DID A QUICK GOOGLE SEARCH ON
27 THE TOPIC, AND FOUND MANY, MANY POSTINGS
28 REGARDING THIS EXACT SAME SET OF
CIRCUMSTANCES. THERE WERE HYUNDAI MESSAGE
BOARD COMPLAINTS, NHTSA COMPLAINTS, "LEMON"
LAW FIRMS WHOA ARE ADVERTISING, SEEKING
POTENTIAL 2017 SANTA FE OWNING CLIENTS, CITING
THIS EXACT SET OF FACTS. IT'S DIFFICULT TO
CONFIRM EXACT DATES, AS THIS HAS OCCURRED
MULTIPLE TIMES. THE MOST RECENT TIME IT
HAPPENED WAS IN EARLY MAY 2017, AT AN
INTERSECTION LESS THAN A MILE FROM OUR HOME,
MAKING A LEFT TURN FROM A STOP, WITH TRAFFIC
LINED UP BEHIND US.

- 1 • NHTSA Complaint: HESITATION WHEN ENTERING
2 TRAFFIC--HAIR RAISING EXPERIENCE--THERE IS A 3
3 TO 4 SECOND STOP IN THE IN THE DRIVE TRAIN--THE
4 CONTROL OF THE VEHICLE IS GONE-LEAVING ONE IN
5 A PANIC MODE--ALSO FEATHERING THE THROTTLE
6 AT TIMES THERE IS NO RESPONSE--TOOK SUV TO
7 DEALER--THEY HOOKED UP A MONITOR AND WITH
8 THE SERVICE MANAGER ON BOARD--- THE VEHICLE
9 DID NOT RESPOND WHEN ACCELERATING--I AM TOLD
10 DUE TO THE INFORMATION SENT BACK THROUGH
11 MONITORING TO THE FACTORY THAT THE
12 DEALERSHIP COULD NOT ASK FOR A BUY BACK--MY
13 QUESTION IS HOW CAN A CO KEEP MAKING AND
14 SELLING A UNIT THAT IS DEFECTIVE ?--THERE ARE
15 HUNDREDS IF NOT MORE SIMILAR CASES ON LINE
16 WITH THE SAME PROBLEMS--I WILL NOT DRIVE THIS
17 VEHICLE ON ROAD--LIFE THREATENING--IF THE
18 DEALERSHIP OR CO. DOES NOT AGREE TO BUY BACK I
19 WILL BE FORCED TO TAKE FURTHER ACTION--STAND
20 BY--CLASS ACTION MAY BE ON ITS WAY!!!MY CASE IS
21 PENDING--AWAITING A RESPONSE BY EITHER
22 DEALERSHIP OR CO.HOPE SOME ONE IS FAR MINDED
23 AS TO THIS CONTINUING PROBLEM--AFTER ALL THIS
24 IS THE U.S.A
25
26 • NHTSA Complaint: HAVE OWNED VEHICLE SINCE 12/16.
27 APPROX 6 TIMES THERE HAS BEEN AN
28 ACCELERATION PROBLEM WHEN CHANGING LANES
OR TURNING. HAVE PUSHED THE GAS AND NOTHING
HAPPENED - ENGINE DOES NOT REV OR RESPOND IN
ANY WAY TO THE PRESSING OF THE GAS PEDAL. ITS
LIKE THE CAR IS IN NEUTRAL AND THEN IT WILL JUST
ALL OF A SUDDEN RE-ENGAGE. NO WARNING LIGHTS;
NO INDICATION WHEN IT WILL HAPPEN. FILED
COMPLAINT WITH HYUNDAI BUT THEY ARE UNABLE
TO RECREATE THE PROBLEM AND/OR WILL NOT
ASSIST UNTIL THEY CAN. DEALER HAD CAR FOR TWO
WEEKS AND COULD NOT RECREATE SO HYUNDAI

1 CLOSED OUR COMPLAINT. THE DATE ENTERED
2 BELOW IS THE LAST TIME IT HAPPENED.

- 3 • NHTSA Complaint: SEVERE HESITATION WHEN TRYING
4 TO ACCELERATE FROM A STOP. OCCURS
5 INTERMITTENTLY AND HAPPENS WHEN TURNING
6 RIGHT OR LEFT. MORE LIKELY TO HAPPEN IF ROAD
7 SURFACE IS ROUGH THAT VEHICLE IS TURNING
8 ONTO. THE VEHICLE WILL BEGIN TO ACCELERATE
9 AND THEN LOSE ACCELERATION. ALTHOUGH
10 PRESSING THE ACCELERATOR THE CAR DOES NOT
11 SPEED UP EVEN THOUGH THE ENGINE REVS UP.
12 AFTER ABOUT 3 OR 4 SECONDS THE VEHICLE THEN
13 RESPONDS AND BEGINS TO ACCELERATE. THIS
14 SITUATION DOES NOT OCCUR ALL THE TIME. IT MAY
15 OCCUR 3 OR 4 TIMES IN A WEEK. THIS IS A SAFETY
16 CONCERN BECAUSE I HAVE ALMOST BEEN HIT FROM
17 BEHIND AS A RESULT OF THE VEHICLE NOT
18 ACCELERATING.
- 19 • NHTSA Complaint: AT STOP WHEN TURNING RIGHT
20 ARE LEFT AND ACCELERATING THE TRANSMISSION
21 FAILS TO RESPOND AD THE CAR STALLS THEN WILL
22 GO. IF SLOW TO SLOW SPEED AND ACCELERATED THE
23 CAR WILL STALL BEFORE SHIFTING DOWN. THIS
24 PROBLEM IS A SAFETY HAZARD. TOOK IT TO
25 HYUANDI DEALER AT 3000 MILES WAS TOLD IT WAS
26 NORMAL.
- 27 • NHTSA Complaint: MULTIPLE TIMES WHILE
28 ATTEMPTING TO ACCELERATE THE RPMS WILL GO UP
AND THE CAR DOES NOT MOVE. WHEN IT FINALLY
GOES THE CAR WILL JERK AND THE RPMS FALL.
THERE SEEMS TO BE A LOSS OF POWER WHEN THIS
HAPPENS. ALSO SEEMS TO HAPPEN WHEN MAKING
LEFT HAND TURNS ACROSS TRAFFIC, WHICH CAN
BECOME DANGEROUS WITH ONCOMING CARS. THIS
HAPPENS WHEN ATTEMPTING TO ACCELERATE.

- 1 • NHTSA Complaint: HAD THIS SANTA FE FOR A LITTLE
2 OVER A YEAR. I HAVE NOTICED SEVERAL INSTANCES
3 OF NOT BEING ABLE TO ACCELERATE, OR GAIN SPEED,
4 ESPECIALLY WHEN TURNING OR STARTING FROM A
5 STOPPED POSITION, IT HESITATES TO START TO THE
6 POINT OF ALMOST BEING HIT SEVERAL TIMES. I HAVE
7 TAKEN IT TO DEALER MANY TIMES, AND THEY KEEP
8 TELLING ME ITS THE WAY I AM DRIVING IT THAT THE
9 ENGINE IS LIKE A STANDARD VEHICLE, BUT THAT
10 DOESNT SEEM SAFE TO ME IF I AM TRYING TO START
11 DRIVING AND IT WONT GO. WHEN IT DOES FINALLY
12 DECIDE TO GO, IT TAKES OFF WAY TOO FAST AND IS
13 LIKE, IT FINALLY DECIDES TO SHIFT INTO GEAR. ALSO
14 WHILE IN PARK, ENGINE REVS TO 2500RPM FOR NO
15 REASON OR IDOLS AT THAT RPM. IT FEELS LIKE THE
16 ENGINE IS PULLING THE CAR FORWARD EVEN WHEN
17 IT IS IN PARK I HAVE BEEN GIVEN THE RUN AROUND
18 SO MANY TIMES, I AM TIRED OF IT. I'M NOT HAPPY TO
19 SEE OTHERS HAVE THIS ISSUE, BUT I AM ALSO GLAD
20 THAT OTHERS ARE EXPERIENCING THE SAME
21 PROBLEMS.
22 • NHTSA Complaint: THE CAR APPEARS TO HESITATE
23 UPON ACCELERATION FROM A LOW SPEED, MOST
24 NOTICEABLY COMING OUT OF TURNS. THE
25 HESITATION IS RANDOM AND JERKS THE CAR
26 FORWARD AND BACK. I TOOK IN FOR SERVICE AND
27 THEY SAY NO FIX IS AVAILABLE. DEALER SAID IT WAS
28 NOT A SAFETY ISSUE BUT A SATISFACTION ISSUE.
 THAT IS A FALSE STATEMENT, AS IT IS INDEED A
 HUGE SAFETY ISSUE. OTHERS HAVE INDICATED A
 SIMILAR PROBLEM AS WELL IN THE SANTA FE ONLINE
 FORUMS
 (HTTP://WWW.SANTAFEFORUMS.COM/ACCELERATION-
 ISSUES-
 T10953.HTML?S=8588CA5231ADDA19BDA5C53064AE9CC
 8&T=10953)
 • NHTSA Complaint: WHEN DEPRESSING THE
 ACCELERATOR AT SPEEDS LESS THAN ABOUT 10MPH,

1 THE VEHICLE HAS A VERY SIGNIFICANT HESITATION -
2 ABOUT 2 SECONDS WHEN THE VEHICLE IS
3 COMPLETELY NON-RESPONSIVE. HAPPENS EVERY
4 TIME AT LOW SPEED TURNS, AND IS DANGEROUS
5 WITH VEHICLES BEHIND.

- 6 • NHTSA Complaint: WHILE DRIVING OUR 2017 HYUNDAI
7 SANTA FE ON INTERSTATE 64 WITH THE CRUISE
8 CONTROL SET AT 65 MPH THE TRANSMISSION WILL
9 DOWN SHIFT TO 5TH AND THEN 4TH AND THEN 3RD
10 GEAR WITH THE RPM ALMOST RED LINING. THIS IS
11 WHILE GOING DOWN A SLIGHT DOWNGRADE. I'VE
12 BEEN HAVING TO USE THE MANUAL MODE TO SHIFT
13 BACK UP TO 6TH GEAR. WE CONTACTED THE LOCAL
14 HYUNDAI DEALER WHO STATED THEY WERE AWARE
15 OF THE PROBLEM BUT DID NOT HAVE A SOLUTION TO
16 THE PROBLEM AT THIS TIME. I AM WORRIED ABOUT
17 THE SAFETY OF THIS VEHICLE WITH THIS PROBLEM.

- 18 • NHTSA Complaint: WHEN DRIVING SUDDENLY THE CAR
19 DECELERATES MAKING IT NECESSARY TO MASH
20 HARDER ON THE GAS PEDAL TO GET THE CAR TO
21 CONTINUE MOVING. THE USB PORT DOES NOT
22 CHARGE WHICH RESULTS IN THE PHONE LOSING
23 BATTERY LIFE YOU CAN ONLY USE ANDROID AND
24 APPLE CAR ONN THAT PORT SO WHEN TRAVELING
25 LONG DISTANCES YOU MAY BE WITHOUT
26 DIRECTIONS. ITS AN ONGOING ISSUE.

- 27 • NHTSA Complaint: VEHICLE DOES NOT RESPOND TO
28 ACCELERATION. ENGINE MAKES A ROARING SOUND,
HOWEVER THE RPMS HAVE MINIMAL INCREASE. THIS
HESITATION HAPPENS WHEN PASSING, AND WHEN
COMING OUT OF A TURN OR FROM A STOP. THIS
LEAVES THE VEHICLE STUCK OUT IN TRAFFIC WITH
NO ACCELERATION. THIS USED TO HAPPEN ABOUT
ONCE A WEEK, HOWEVER THE FREQUENCY OF THE
INCIDENTS HAS INCREASED GREATLY AND WE NO
LONGER FEEL THE VEHICLE IS SAFE TO DRIVE. THIS
MORNING THE CAR WOULD NOT ACCELERATE FOR AN

1 ENTIRE HOUR DURING A COMMUTE TO WORK. I HAVE
2 READ MANY REPORTS ON YOUR SITE WITH THE SAME
3 ISSUE, AND APPARENTLY HYUNDAI DOES NOT HAVE A
4 FIX. WE ARE BRINGING THE CAR INTO THE DEALER
THIS AFTERNOON.

- 5 • NHTSA Complaint: TL* THE CONTACT OWNED A 2017
6 HYUNDAI SANTA FE. WHILE THE CONTACT'S
7 HUSBAND WAS MAKING A LEFT TURN AT 10 MPH, THE
8 VEHICLE FAILED TO GAIN SPEED WHILE THE
9 ACCELERATOR PEDAL WAS DEPRESSED. ANOTHER
10 VEHICLE TRAVELING FROM THE OPPOSITE DIRECTION
11 STRUCK THE FRONT PASSENGER SIDE OF THE
12 CONTACT'S VEHICLE. ALL OF THE AIR BAGS
13 DEPLOYED. A POLICE REPORT WAS FILED AND THE
14 DRIVER RECEIVED A CITATION FOR FAILING TO
15 YIELD. THE DRIVER SUSTAINED A BROKEN LEFT
16 WRIST, CUTS TO THE LEFT HAND, AND BRUISES TO
17 THE UPPER BODY/TORSO. THE CONTACT (PASSENGER)
18 SUSTAINED A BROKEN NECK THAT REQUIRED
19 SURGERY DUE TO INTERNAL BLEEDING, SEVERE
20 BRUISING FROM THE CHEST DOWN TO THE LOWER
21 TORSO, AND BRUISING ON THE RIGHT AND LEFT
22 ARMS. MEDICAL ATTENTION WAS RECEIVED. THE
23 CONTACT HAD SURGERY TO HER RIGHT HIP TO
24 REMOVE A BONE TO PLACE IN HER NECK. THE
25 VEHICLE WAS TOWED TO A LOCAL DEALER (A1
26 WRECKER 1601 PARTIN DR N D, NICEVILLE, FLORIDA
27 32578). THREE WEEKS PRIOR TO THE CRASH, THE
28 VEHICLE HESITATED TO ACCELERATE WHEN THE
ACCELERATOR PEDAL WAS DEPRESSED. THE FAILURE
OCCURRED WITHOUT WARNING. THE CONTACT
STATED THAT THE VEHICLE GRADUALLY
ACCELERATED INDEPENDENTLY. NEITHER THE
MANUFACTURER NOR THE DEALER WERE MADE
AWARE OF THE FAILURE. THE VEHICLE WAS DEEMED
DESTROYED. THE FAILURE MILEAGE WAS 147.
UPDATED 07/18/17*LJ

- 1 • NHTSA Complaint: I NO LONGER OWN THE DESCRIBED
2 VEHICLE BUT WANT TO REPORT A SAFETY ISSUE WITH
3 THE VEHICLE. I HAD ADVISED HYUNDAI CONSUMER
4 AFFAIRS ANALYST, CENTRAL/CA RAYNISHA M. AND
5 WAS ASSIGNED A CASE NUMBER 10184122.
6 INFORMATION ABOUT THE CASE NUMBER CAN BE
7 OBTAINED FROM HYUNDAI. MY PROBLEM WITH THE
8 VEHICLE WAS RELATED TO THE SPEED CONTROL
9 SYSTEM OR "FLY BY WIRE" MECHANISM ON MY
10 VEHICLE. ON SEVERAL PERSONALLY DOCUMENTED
11 INSTANCES (WITH ROAD CONDITIONS, DATES, TIME
12 SPEED ETC.) I EXPERIENCED A ZERO ACCELERATION
13 RESPONSE FROM THE VEHICLE WHEN APPLYING
14 ACCELERATOR PRESSURE. ON MANY ACCELERATION
15 INCIDENTS THE ACCELERATION PEDAL RESPONSE
16 "FELL ON ITS FACE" AND ON ONE OCCASION NEARLY
17 RESULTED IN A VEHICLE COLLISION WHEN I WAS
18 PROCEEDING INTO AN INTERSECTION. I HAD
19 REPORTED THE SAFETY ISSUE TO BOTH MY HYUNDAI
20 DEALERSHIP AND HYUNDAI CONSUMER AFFAIRS. THE
21 TWO MECHANICAL INSPECTIONS THAT WERE
22 PERFORMED TO IDENTIFY THE PROBLEM WERE
23 INCOMPLETE AS THE VEHICLE DIDN'T THROW OFF
24 ANY CODES TO IDENTIFY THE PROBLEM AREA. I WAS
25 TOLD BY THE VEHICLE MECHANICS THAT SINCE THE
26 PROBLEM WAS INTERMITTENT IN NATURE THAT I
27 WOULD HAVE NO REDRESS ON THE SAFETY ISSUE. I
28 AM A PRIVATE PILOT AND FLY AIRCRAFT UTILIZING
29 "FLY BY WIRE" ACCELERATION DEVICES AND I CAN
30 ASSURE YOU THAT MY FIRST INCIDENT OCCURRENCE
31 WOULD HAVE GROUNDED THE AIRCRAFT
32 EXPERIENCING THE SIMILAR ACCELERATION ISSUE. I
33 AM REPORTING THIS TO YOU HOPING THAT YOU CAN
34 INVESTIGATE AND OPEN A RECALL INQUIRY AND
35 FORCE HYUNDAI TO FIX OR MAKE CHANGES TO
36 VEHICLES THAT UTILIZE THEIR "FLY BY WIRE"
37 ACCELERATION SYSTEMS.
- 38 • NHTSA Complaint: MY BRAND NEW 2017 SANTA FE
39 LIMITED HESITATES BADLY WHEN COMING OUT OF

1 TURNS AT A SLOW SPEED AND ATTEMPTING TO
2 ACCELERATE...JUST SHORT OF COMING TO A STOP. IT
3 ALSO OCCURS WHEN VEHICLE IS AT A STOP THEN I
4 STEP ON THE ACCELERATOR. IT IS A SAFETY ISSUE AS
5 THE VEHICLE LAGS WHEN ATTEMPTING TO ENTER
6 TRAFFIC OR THE VEHICLE COULD BE HIT FROM
7 BEHIND WHEN ATTEMPTING TO ACCELERATE AND IT
8 MOMENTARILY DOES NOT RESPOND. THIS OCCURS
9 EACH TIME I DRIVE IT.

- 10 • NHTSA Complaint: WITH EXCELERATION INTO
11 ONCOMING TRAFFIC HAS ABOUT A 2-3 SECOND PAUSE
12 AND ALSO WHEN PASSING. HAS ALMOST CAUSED ME
13 SEVERAL T BONE ACCIDENTS. WHEN TAKING OUT
14 FROM SOMEWHERE THE VEHICLE HAS SET AND
15 COOLED IT TAKES ABOUT 5 SECONDS TO REACH
16 APPROPRIATE SPEED. THIS DOES NOT OCCUR ALL
17 TIMES LIKE THE ABOVE COMPLAINT. OUTSIDE NOISE
18 IS EXTREMELY LOUD. NOT A QUIET DRIVING CAR BY
19 ALL MEANS. AIR NOISE AROUND DOORS ETC
- 20 • NHTSA Complaint: IT TRIES TO STALL OR HESITATE
21 WHEN MAKING TURNS I LIVE IN CHICAGO AND DRIVE
22 IN TRAFFIC WHEN TURNING INTO TRAFFIC IT SEEMS
23 TO HESITATE FOR 2 OR 3 SEC BEFORE ACCELERATION
24 II AM AFRAID TO DRIVE THIS VEHICLE IN TRAFFIC
25 FROM FEAR WHEN MAKING A TURN I WILL. CAUSE A
26 CAR ACCIDENT
- 27 • NHTSA Complaint: VEHICLE HESITATES WHEN
28 ENTERING FLOW OF TRAFFIC FROM A STOP OR A TURN.
- NHTSA Complaint: I HAVE A 2017 HYUNDAI SANTA FE
ULTIMATE AND LIKE THE OTHER COMPLAINTS, THE
CAR HAS HESITATION WHEN TRYING TO ACCELERATE
ESPECIALLY AFTER A STOP, BUMP IN ROAD, SLOWING
DOWN, ETC. THE DEALERSHIP HAS HAD THE CAR
SEVERAL TIMES TRYING DIFFERENT THINGS SUCH AS
TRY A DIFFERENT MODE, RESET TRANSMISSION
COMPUTER, ETC. I'VE CALLED HYUNDAI CUSTOMER

SERVICE AND FILED A COMPLIANT OPEN BUT I DON'T WANT THE CAR ANYMORE IT HESITATES TOO LONG/TOO MANY TIMES AND SCARES THE CRAP OUT OF ME. IT'S DANGEROUS AND NEEDS A RECALLED.

- NHTSA Complaint: CAR HAS SERIOUS, DANGEROUS ACCELERATION PROBLEMS. IT'S MOST NOTICEABLE WHEN TURNING LEFT INTO ONCOMING TRAFFIC. CAR APPEARS TO LOSE ALL POWER WHEN ACCELERATING - HANGING FOR SECONDS WHILE NOTHING HAPPENS. ENGINE HITS REDLINE ALL THE TIME AND IT BARELY GAINS SPEED. CALLED DEALER AND WAS FIRST TOLD "DUAL CLUTCH WILL LEARN DRIVING STYLE." AFTER NOTING CAR HAS 2K MILES WAS THEN TOLD "THE DELAY IS A CHARACTERISTIC OF THAT CAR." THIS IS UNACCEPTABLE AND INCREDIBLY DANGEROUS. I'VE ALMOST BEEN T-BONED MULTIPLE TIMES BECAUSE OF THIS. GOOGLING LED ME TO MANY OTHER REPORTS OF THE SAME ISSUE. THIS VEHICLE NEEDS TO BE RECALLED.
- NHTSA Complaint: WHEN THE CAR START AT THE TRAFFIC LIGHTS AND SLOWLY ACCELERATES WHILE DRIVING, THERE IS A SOUND IN THE CAR. I HEAR A SOUND FROM THE ENGINE OR MUFFLER.
- NHTSA Complaint: TL* THE CONTACT OWNS A 2017 HYUNDAI SANTA FE. WHILE ATTEMPTING TO ACCELERATE FROM A STOP, THE VEHICLE HESITATED BEFORE ACCELERATING. THE FAILURE OCCURRED WITHOUT WARNING. THE DEALER WAS UNABLE TO DUPLICATE THE FAILURE. THE DEALER RECOMMENDED THAT A FUEL ADDITIVE BE ADDED TO THE FUEL TANK, BUT THAT DID NOT HELP. THE FAILURE RECURRED SEVERAL TIMES. THE MANUFACTURER WAS NOT MADE AWARE OF THE FAILURE. THE FAILURE MILEAGE WAS APPROXIMATELY 12,000.

- 1 • NHTSA Complaint: MY NEW SANTA FE 2017 HAS A
2 PROBLEM WITH THE CAR NOT REACTING TO PRESSING
3 THE ACCELERATOR. YOUR PRESS THE ACCELERATOR
4 AND THE CAR DOES NOT MOVE AND THE ENGINE
5 DOES NOT REV. THE HESITATION IS ABOUT 2 SECONDS
6 LONG AND IS VERY SCARY. IT HAPPENS
7 INTERMITTENTLY AND FROM A STOPPED POSITION.
8 I'M AFRAID AT SOME POINT THERE WILL BE A
9 TERRIBLE ACCIDENT FROM THIS PROBLEM. I'VE
10 HEARD THERE IS A RECALL 16-01-032 FOR THE TCU
11 UPDATE 60CO61R1 BUT I REACHED OUT TO
12 DEALERSHIP AND THEY DON'T KNOW ANYTHING
13 ABOUT IT. THIS IS VERY DANGEROUS AND I DID SOME
14 RESEARCH THERE ARE A LOT OF PEOPLE HAVING THIS
15 SAME PROBLEM. I NOTICED THIS PROBLARY A WEEK
16 AFTER PURCHASE.
- 17 • NHTSA Complaint: ENGINE STUMBLES WHEN
18 ACCELERATOR IS PRESSED AT LOW SPEEDS,
19 ESPECIALLY FROM A STOP OR TURNING A CORNER. I
20 CALL IT THROTTLE LAG OR STUMBLING.
- 21 • NHTSA Complaint: FROM STOP, OR NEAR STOP, ENGINE
22 CUTS OUT (STUMBLES) DURING NORMAL
23 ACCELERATION.
- 24 • NHTSA Complaint: TWO ISSUES: SEVERE PROBLEM -
25 WHEN DRIVING AT A RATE OF APPROXIMATELY
26 35MPH TODAY ON A MAJOR CITY THOROUGHFARE,
27 OUR 2017 HYUNDAI SANTA FE 2.0T ULTIMATE
28 SUFFERED A SUDDEN AND COMPLETE LOSS OF
POWER (ENGINE AND ALL ELECTRICAL SYSTEMS
INCLUDING LIGHTING). AFTER COMING TO A STOP,
THE VEHICLE WAS STRANDED IN PLACE UNTIL IT
WAS ABLE TO START UP AGAIN MANY MINUTES
LATER. FORTUNATELY NO ONE WAS PHYSICALLY
HARMED AS THE INDIVIDUAL DRIVING BEHIND OUR
VEHICLE WAS OBSERVANT ENOUGH TO IDENTIFY
THE ISSUE (DESPITE A LACK OF BRAKE LIGHTS OR
HAZARDS) AND STOP IN TIME. NO VISIBLE ENGINE

1 LIGHT OR FAULT CODE WAS TRIGGERED. LESS
2 SEVERE PROBLEM: ON A REGULAR BASIS, THE
3 VEHICLE SUFFERS ABRUPT AND SUSTAINED LOSS OF
4 POWER IN MERGING SITUATIONS (ESPECIALLY WHEN
5 TURNING ON CITY STREETS FROM A STOP). THIS
6 SEEMS TO BE FROM AN OVERACTIVE OR OTHERWISE
7 INEFFECTIVE TRACTION CONTROL
8 SYSTEM/PROGRAMMING. DESPITE EVEN PLANNING
9 FOR THE POSSIBLE LOSS OF POWER, THIS HAS STILL
10 RESULTED IN A NUMBER OF "NEAR MISS"
11 SITUATIONS. A WARRANTY VISIT HAS BEEN
12 SCHEDULED FOR THESE ISSUE AND WE WILL GLADLY
13 PROVIDE THE RESULTS AND/OR OTHER UPDATES
14 UPON REQUEST. WE ARE, HOWEVER, SERIOUSLY
15 CONSIDERING SELLING THE VEHICLE AT A LOSS DUE
16 TO THESE TWO ISSUES. *TR

- 13 • NHTSA Complaint: WHEN ACCELERATING OUT OF A
14 VERY LOW SPEED TURN (SUCH AS TURNING AT AN
15 INTERSECTION OR PULLING OUT OF A PARKING LOT
16 INTO A ROADWAY) THE ENGINE SUFFERS A COMPLETE
17 LOSS OF POWER FOR 1-2 SECONDS. IT DOES NOT
18 HAPPEN ALL OF THE TIME. BUT FREQUENTLY ENOUGH
19 TO MAKE ONE WORRY ABOUT PULLING OUT INTO
20 TRAFFIC.
- 21 • NHTSA Complaint: ENGINE STALLED (DIED) WHEN
22 ATTEMPTING TO CROSS 3 LANES OF TRAFFIC. THIS
23 OCCURRED 2 TIMES WHEN ON VACATION. VEHICLE
24 WAS RETURNED TO DEALER FOR SERVICE. DEALER
25 HAD VEHICLE FOR OVER A MONTH AND SAID THEY
26 COULDN'T DUPLICATE PROBLEM. DURING THIS TIME
27 THERE WAS A NATIONAL RECALL ISSUED BY
28 HYUNDAI FOR SANTA FE. I THOUGHT ARE PROBLEMS
WOULD BE SOLVED. BUT WAS INFORMED THAT THE
RECALL ONLY COVERED UPTO PRODUCTION YEAR
2015. WE RECEIVED A 2017 SANTA FE LOANER FOR USE
DURING THE TIME THEY ASSESSED OUR VEHICLE,
THIS VEHICLE ALSO STALLED. I REPORTED THIS TO
THE SERVICE MAR. HE SAID HE COULDN'T DO

1 ANYTHING UNTIL HYUNDAI AUTHORIZED A RECALL
2 FOR 2017. I TOLD HIM THAT THEY PROBABLY WON'T
3 UNTIL THEY SOLD OFF ALL THEIR NEW VEHICLE
4 INVENTORY. WE TOOK OUR VEHICLE HOME. 1 DAY
5 LATER THE VEHICLE STALLED WHEN MY WIFE
6 PULLED OUT ON TO A BUSY HIGHWAY. THESE
7 VEHICLES ARE A SIGNIFICANT SAFETY HAZARD.

- 8 • NHTSA Complaint: DURING ACCELERATION FROM STOP
9 OR LOW SPEED TURN ,CAR HAS NO OR LITTLE
10 RESPONSE FROM ACCELERATOR, HAPPENS ON DRY
11 PAVEMENT AS WELL AS WET, TRACTION CONTROL
12 LIGHT FLASHES.AT THIS POINT THERE IS NO
13 TRACTION ISSUES.REPORTED TO HYUNDAI DEALER
14 CHECKED 3 TIMES AND SAID ALL WAS FINE ,NOT
15 SATISFIED WITH ANSWER I CONTACTED HYUNDAI
16 CUSTOMER SERVICE AND SPOKE TO CHRIS WELLS
17 OPENED A CASE WITH THEM #10059476 ON 3/15/2017.IVE
18 HAD PHONE CONTACT WITH HIM ,HE SAID HE WOULD
19 GIVE IT TO THE GUYS UPSTAIRS BUT STILL NO
20 SATISFACTION.BIG SAFTEY CONCERN!!! PLEASE HELP!
- 21 • NHTSA Complaint: CAR LEASED IN FEB. 2017. JUST
22 AFTER FINALIZED, NOTICED THIS SERIOUS PROBLEM:
23 THE ACCELERATION AFTER A TURN IS EXTREMELY
24 SLOW AND TAKES AN UNREASONABLE AMOUNT OF
25 TIME CAUSING DANGER OF VEHICLE BEHIND
26 SLAMMING INTO BACK END. UPON ACCELERATING
27 AFTER A TURN THERE IS SO MUCH HESITATION THAT
28 IT CAUSED DRIVER AND PASSENGERS TO LUNGE
FORWARD ONCE THE ENGINE KICKS IN. THE LIGHT
INDICATING SLIPPING USUALLY COMES ON WHEN
THIS HAPPENS AS WELL. MY SON DROVE IT TODAY
WITH MY YOUNGER BOY AND THEY WERE ALMOST
REAR ENDED. I'VE TALKED TO DEALER TWICE ABOUT
THIS.
- NHTSA Complaint: TL* THE CONTACT OWNS A 2017
HYUNDAI SANTA FE. WHILE DRIVING, THE ENGINE
STALLED WITHOUT WARNING. THE DEALER AND

1 MANUFACTURER WERE NOT NOTIFIED. THE VEHICLE
2 WAS NOT DIAGNOSED OR REPAIRED. THE
3 APPROXIMATE FAILURE MILEAGE WAS 9,000.

- 4 • NHTSA Complaint: PURCHASED A HYUNDAI SANTA FE
5 AWD TURBO IN MAY 2016, WITHIN THE FIRST 3
6 MONTHS THE TRACTION ASSIST HAS TRIGGERED
7 CAUSING THE POWER TRAIN TO LOOS POWER FOR 10-
8 15 SECONDS A TOTAL OF 5 TIMES. EACH TIME THIS
9 HAS HAPPENED IT HAS BEEN FROM A STOP AND
10 TURNING ONTO ANOTHER STREET AND OR U TURN
11 ALL UNDER 30MPH, HAVE HAD IT TO THE DEALER 3
12 TIMES AND HAVE CONTACTED HYUNDAI DIRECTLY
13 AND THEY CAN NOT FIND ANYTHING WRONG. I CAN
14 REPRODUCE THE ISSUE IF I RUN OVER PART OF THE
15 CURB OR A HARD BUMP. I FEEL THIS IS A HUGE
16 SAFETY ISSUE IF THE SUV LOOSES POWER FOR 10-15
17 SECONDS WHEN PULLING OUT.
- 18 • NHTSA Complaint: DURING NORMAL LEFT HAND AND
19 RIGHT HAND TURNS AND U-TURNS, THE TC/ESC CAN
20 ACTIVATE AND CAUSE THE ENGINE MANAGEMENT
21 SYSTEM TO SIGNIFICANTLY REDUCE ENGINE POWER.
22 THIS HAPPENS ON DRY PAVEMENT, UNDER NORMAL
23 ACCELERATION. IT WILL ALSO HAPPEN MORE
24 FREQUENTLY DURING TURNS IF THERE IS A
25 BUMP/POTHOLE/ROAD IMPERFECTION THAT JARS THE
26 SUSPENSION. THIS ISSUE IS DANGEROUS AND HAS
27 NEARLY CAUSED ACCIDENTS. I HAVE HAD TO PULL
28 OFF THE ROAD TO AVOID A COLLISION FROM THE
REAR BECAUSE THE ENGINE HAD NO POWER, THE
TC/ESC LIGHT WAS FLASHING ON THE DASH. SO FAR
MY ATTEMPTS AT THE DEALER TO HAVE THIS FIXED
HAVE BEEN UNSUCCESSFUL. I AM WORKING WITH
HYUNDAI CONSUMER AFFAIRS TO DETERMINE A
SOLUTION.
- NHTSA Complaint: TL* THE CONTACT OWNS A 2017
HYUNDAI SANTA FE. WHILE DRIVING
APPROXIMATELY 2 MPH, THE VEHICLE LOST POWER

1 WHILE TURNING RIGHT OR LEFT. THE POWER
2 RETURNED WITHIN SECONDS. THE FAILURE
3 RECURRED SEVERAL TIMES. THE VEHICLE WAS NOT
4 DIAGNOSED OR REPAIRED. THE MANUFACTURER WAS
5 MADE AWARE OF THE FAILURE AND ADVISED THE
6 CONTACT TO TAKE THE VEHICLE TO A LOCAL DEALER.
7 THE FAILURE MILEAGE WAS 1,200.

8 21. Although Hyundai was aware of the widespread nature of the
9 Powertrain Defect in the Class Vehicles, and that it posed grave safety risks,
10 Hyundai has failed to take adequate steps to notify all Class Vehicle owners of
11 the Defect and provide relief.

12 22. Customers have reported the Powertrain Defect in the Class
13 Vehicles to Hyundai directly and through its dealers. Defendant is fully aware
14 of the Powertrain Defect contained in the Class Vehicles. Nevertheless,
15 Defendant actively concealed the existence and nature of the Defect from
16 Plaintiff and the other Class Members at the time of purchase or repair and
17 thereafter. Specifically, Defendant:

- 18 a. failed to disclose, at the time of purchase or repair and
19 thereafter, any and all known material defects or material
20 nonconformities of the Class Vehicles, including the
21 Powertrain Defect;
- 22 b. failed to disclose, at the time of purchase or repair and
23 thereafter, that the Class Vehicles and their powertrains were
24 not in good working order, were defective, and were not fit
25 for their intended purpose; and
- 26 c. failed to disclose and/or actively concealed the fact that the
27 Class Vehicles and their powertrains were defective, despite
28 the fact that Defendant learned of the Powertrain Defect

1 before it placed the Class Vehicles in the stream of
2 commerce.

3 23. Defendant has deprived Class Members of the benefit of their
4 bargain, exposed them all to a dangerous safety Defect, and caused them to
5 expend money at its dealerships or other third-party repair facilities and/or take
6 other remedial measures related to the Powertrain Defect contained in the Class
7 Vehicles.

8 24. Defendant has not recalled the Class Vehicles to repair the
9 Powertrain Defect, has not offered to its customers a suitable repair or
10 replacement of parts related to the Powertrain Defect free of charge, and has not
11 reimbursed all Class Vehicle owners and leaseholders who incurred costs for
12 repairs related to the Powertrain Defect.

13 25. Class Members have not received the value for which they
14 bargained when they purchased or leased the Class Vehicles.

15 26. As a result of the Powertrain Defect, the value of the Class Vehicles
16 has diminished, including without limitation, the resale value of the Class
17 Vehicles. Reasonable consumers, like Plaintiff, expect and assume that a
18 vehicle's powertrain and the related components are not defective and will not
19 malfunction while operating the vehicle as it is intended. Plaintiff and Class
20 Members further expect and assume that Hyundai will not sell or lease vehicles
21 with known safety defects, such as the Powertrain Defect, and will fully disclose
22 any such defect to consumers prior to purchase or offer a suitable non-defective
23 repair.
24

25 **CLASS ACTION ALLEGATIONS**

26 27. Plaintiff brings this lawsuit as a class action on behalf of himself
27 and all others similarly situated as members of the proposed Classes pursuant to
28 Federal Rules of Civil Procedure 23(a), (b)(2), and/or (b)(3). This action

1 satisfies the numerosity, commonality, typicality, adequacy, predominance and
2 superiority requirements of those provisions.

3 28. The Classes are defined as:

4 **Nationwide Class:** All persons who purchased or leased any 2017
5 Hyundai Santa Fe vehicle in the United States.

6 **California Sub-Class:** All Members of the Nationwide Class who
7 purchased or leased any 2017 Hyundai Santa Fe in the State of
8 California.

9 29. Excluded from the Class and Sub-class are: (1) Defendant, any
10 entity or division in which Defendant has a controlling interest, and its legal
11 representatives, officers, directors, assigns, and successors; (2) the Judge to
12 whom this case is assigned and the Judge's staff; and (3) those persons who have
13 suffered personal injuries as a result of the facts alleged herein. Plaintiff
14 reserves the right to amend the Class definition, and to add subclasses, if
15 discovery and further investigation reveal that the Class should be expanded or
16 otherwise modified.

17 30. Numerosity: Although the exact number of Class Members is
18 uncertain and can only be ascertained through appropriate discovery, the number
19 is great enough such that joinder is impracticable. The disposition of the claims
20 of these Class Members in a single action will provide substantial benefits to all
21 parties and to the Court. The Class Members are readily identifiable from, *inter*
22 *alia*, information and records in Defendant's possession, custody, or control.

23 31. Typicality: The claims of the representative Plaintiff are typical of
24 the claims of the Class in that the representative Plaintiff, like all Class
25 Members, paid for a Class Vehicle designed, manufactured, and distributed by
26 Defendant which is subject to the Powertrain Defect. The representative
27 Plaintiff, like all Class Members, has been damaged by Defendant's misconduct
28

1 in that he has incurred or will incur the cost of repairing or replacing his
2 malfunctioning powertrain and related parts as a result of the Powertrain Defect.
3 Further, the factual bases of Defendant's misconduct are common to all Class
4 Members and represent a common thread of fraudulent, deliberate, and/or
5 grossly negligent misconduct resulting in injury to all Class Members.

6 32. Commonality: There are numerous questions of law and fact
7 common to Plaintiff and the Classes that predominate over any question
8 affecting only individual Class Members. These common legal and factual
9 questions include the following:

- 10 a. whether the Class Vehicles suffer from the Powertrain Defect;
- 11 b. whether the Powertrain Defect constitutes an unreasonable
12 safety hazard;
- 13 c. whether Defendant knows about the Powertrain Defect and, if
14 so, how long Defendant has known of the Defect;
- 15 d. whether the defective nature of the Class Vehicles'
16 powertrains constitutes a material fact;
- 17 e. whether Defendant had and has a duty to disclose the
18 defective nature of the Class Vehicles' powertrains to
19 Plaintiff and the other Class Members;
- 20 f. whether Plaintiff and the other Class Members are entitled to
21 equitable relief, including, but not limited to, a preliminary
22 and/or permanent injunction;
- 23 g. whether Defendant knew or reasonably should have known of
24 the Powertrain Defect contained in the Class Vehicles before
25 it sold or leased them to Class Members; and
- 26 h. Whether Defendant violated: (1) the California Consumers
27 Legal Remedies Act, California Civil Code sections 1750 *et*
28

1 *seq.*; (2) the California Unfair Competition Law, Cal. Bus. &
2 Prof. Code § 17200, *et seq.*; (3) The California Song-Beverly
3 Consumer Warranty Act, California Civil Code §§ 1792 and
4 1791.1 *et seq.*, and Cal. Comm. Code §2314; (4) Cal. Comm.
5 Code §2313; (5) the Magnuson-Moss Warranty Act (15
6 U.S.C. §2301, *et seq.*); and (6) is liable for fraudulent
7 omission as alleged in this Complaint.

8 33. Adequate Representation: Plaintiff will fairly and adequately
9 protect the interests of the Class Members. Plaintiff has retained attorneys
10 experienced in the prosecution of class actions, including consumer and product
11 defect class actions, and Plaintiff intends to prosecute this action vigorously.

12 34. Predominance and Superiority: Plaintiff and the Class Members
13 have all suffered and will continue to suffer harm and damages as a result of
14 Defendant's unlawful and wrongful conduct. A class action is superior to other
15 available methods for the fair and efficient adjudication of the controversy.
16 Absent a class action, most Class Members would likely find the cost of
17 litigating their claims prohibitively high and would therefore have no effective
18 remedy at law. Because of the relatively small size of the individual Class
19 Members' claims, it is likely that only a few Class Members could afford to seek
20 legal redress for Defendant's misconduct. Absent a class action, Class Members
21 will continue to incur damages, and Defendant's misconduct will continue
22 without remedy. Class treatment of common questions of law and fact would
23 also be a superior method to multiple individual actions or piecemeal litigation
24 in that class treatment will conserve the resources of the courts and the litigants
25 and will promote consistency and efficiency of adjudication.
26
27
28

1 **FIRST CAUSE OF ACTION**

2 (Violation of California's Consumers Legal Remedies Act,
3 California Civil Code § 1750 *et seq.* ("CLRA"))

4 35. Plaintiff hereby incorporates by reference the allegations contained
5 in the preceding paragraphs of this Complaint.

6 36. Plaintiff brings this cause of action on behalf of himself and on
7 behalf of the members of the Nationwide Class, or, in the alternative, on behalf
8 of the members of the California Sub-Class.

9 37. Hyundai is a "person" as defined by California Civil Code §
10 1761(c).

11 38. Plaintiff and the other Class Members are "consumers" within the
12 meaning of California Civil Code § 1761(d).

13 39. By failing to disclose and concealing the defective nature of the
14 Class Vehicles' powertrains from Plaintiff and prospective Class Members,
15 Defendant violated California Civil Code § 1770(a), as it represented that the
16 Class Vehicles had characteristics and benefits that they do not have, represented
17 that the Class Vehicles were of a particular standard, quality, or grade when they
18 were of another, and advertised the Class Vehicles with the intent not to sell
19 them as advertised. *See* Cal. Civ. Code §§ 1770(a)(5), (7) & (9).

20 40. Defendant's unfair and deceptive acts or practices occurred
21 repeatedly in Defendant's trade or business, were capable of deceiving a
22 substantial portion of the purchasing public, and imposed a serious safety risk on
23 the public.

24 41. Defendant knew that the Class Vehicles' powertrains suffered from
25 an inherent defect, were defectively designed or manufactured, would fail
26 prematurely, and were not suitable for their intended use.
27
28

1 42. Defendant was under a duty to Plaintiff and the Class Members to
2 disclose the defective nature of the Class Vehicles' powertrains and/or the
3 associated repair costs because:

- 4 a. Defendant was in a superior position to know the true state of
5 facts about the safety defect contained in the Class Vehicles'
6 powertrains;
7 b. Plaintiff and the Class Members could not reasonably have
8 been expected to learn or discover that their powertrains have
9 a dangerous safety defect until after they purchased the Class
10 Vehicles; and
11 c. Defendant knew that Plaintiff and the Class Members could
12 not reasonably have been expected to learn about or discover
13 the Powertrain Defect.
14

15 43. By failing to disclose the Powertrain Defect, Defendant knowingly
16 and intentionally concealed material facts and breached its duty not to do so.

17 44. The facts concealed or not disclosed by Defendant to Plaintiff and
18 the other Class Members are material because a reasonable consumer would
19 have considered them to be important in deciding whether or not to purchase the
20 Class Vehicles, or to pay less for them. Had Plaintiff and other Class Members
21 known that the Class Vehicles' powertrains were defective, they would not have
22 purchased the Class Vehicles or would have paid less for them.

23 45. Plaintiff and the other Class Members are reasonable consumers
24 who do not expect that their vehicles will suffer from a Powertrain Defect. That
25 is the reasonable and objective consumer expectation for vehicles and their
26 powertrains.
27
28

1 46. As a result of Defendant's misconduct, Plaintiff and the other Class
2 Members have been harmed and have suffered actual damages in that the Class
3 Vehicles and their powertrains are defective and require repairs or replacement.

4 47. As a direct and proximate result of Defendant's unfair or deceptive
5 acts or practices, Plaintiff and the other Class Members have suffered and will
6 continue to suffer actual damages.

7 48. By a letter dated March 12, 2018, and sent via certified mail,
8 Plaintiff provided Defendant with notice of its alleged violations of the CLRA
9 pursuant to California Civil Code Section 1782(a) and demanded that Defendant
10 rectify the problems associated with the behavior detailed above. As of the
11 filing of this Complaint Defendant has failed to respond to Plaintiff's demands
12 and has failed to give notice to all affected consumers, as required by California
13 Civil Code Section 1782.
14

15 49. Accordingly, Plaintiffs seek an order enjoining the acts and
16 practices described above.

17 50. Plaintiff's additionally seek actual damages, restitution, statutory
18 and punitive damages, attorneys' fees and costs, and any other relief that the
19 Court deems proper under section 1780(a) of the CLRA pursuant to Civil Code
20 Section 1782(d), due to Defendant's failure to rectify or agree to adequately
21 rectify its violations as detailed above.

22 **SECOND CAUSE OF ACTION**

23 (Violation of Unfair Competition Law,
24 California Business & Professions Code § 17200 *et seq.* ("UCL"))

25 51. Plaintiff hereby incorporates by reference the allegations contained
26 in the preceding paragraphs of this Complaint.
27
28

1 52. Plaintiff brings this cause of action on behalf of himself and on
2 behalf of the members of the Nationwide Class, or, in the alternative, on behalf
3 of the members of the California Sub-Class.

4 53. California Business & Professions Code Section 17200 prohibits
5 acts of “unfair competition,” including any “unlawful, unfair or fraudulent
6 business act or practice” and “unfair, deceptive, untrue or misleading
7 advertising.”

8 54. Defendant knew that the Class Vehicles’ powertrains suffered from
9 an inherent defect, were defectively designed and/or manufactured, would fail
10 prematurely, and were not suitable for their intended use.

11 55. In failing to disclose the Powertrain Defect, Defendant knowingly
12 and intentionally concealed material facts and breached its duty not to do so,
13 thereby engaging in a fraudulent business act or practice within the meaning of
14 the UCL.

15 56. Defendant was under a duty to Plaintiff and the other Class
16 Members to disclose the defective nature of the Class Vehicles’ powertrains
17 because:

- 18
- 19 a. Defendant was in a superior position to know the true state of
20 facts about the safety defect in the Class Vehicles’
21 powertrains;
 - 22 b. Defendant made partial disclosures about the quality of the
23 Class Vehicles without revealing the defective nature of the
24 Class Vehicles’ powertrains; and
 - 25 c. Defendant actively concealed the defective nature of the Class
26 Vehicles’ powertrains from Plaintiff and Class Members at
27 the time of sale and thereafter.
- 28

1 57. The facts concealed or not disclosed by Defendant to Plaintiff and
2 the other Class Members are material because a reasonable person would have
3 considered them to be important in deciding whether or not to purchase or lease
4 Defendant's Class Vehicles, or to pay less for them. Had Plaintiff and other
5 Class Members known that the Class Vehicles suffered from the Powertrain
6 Defect described herein, they would not have purchased or leased the Class
7 Vehicles or would have paid less for them.

8 58. Defendant continued to conceal the defective nature of the Class
9 Vehicles and their powertrains even after Class Members began to report
10 problems. Indeed, Defendant continues to cover up and conceal the true nature
11 of this systematic problem today.

12 59. Defendant's omissions of material facts, as set forth herein, also
13 constitute "unfair" business acts and practices within the meaning of the UCL, in
14 that Defendant's conduct was injurious to consumers, offended public policy,
15 and was unethical and unscrupulous. Plaintiff also asserts a violation of public
16 policy arising from Defendant's withholding of material safety facts from
17 consumers. Defendant's violation of consumer protection and unfair
18 competition laws resulted in harm to consumers.

19 60. Defendant's omissions of material facts, as set forth herein, also
20 constitute unlawful business acts or practices because they violate consumer
21 protection laws, warranty laws and the common law as set forth herein.

22 61. Thus, by its conduct, Defendant has engaged in unfair competition
23 and unlawful, unfair, and fraudulent business practices.

24 62. Defendant's unfair or deceptive acts or practices occurred
25 repeatedly in Defendant's trade or business, and were capable of deceiving a
26 substantial portion of the purchasing public.
27
28

1 63. As a direct and proximate result of Defendant's unfair and deceptive
2 practices, Plaintiff and Class Members have suffered and will continue to suffer
3 actual damages.

4 64. Defendant has been unjustly enriched and should be required to
5 make restitution to Plaintiff and Class Members pursuant to sections 17203 and
6 17204 of the Business & Professions Code.

7 **THIRD CAUSE OF ACTION**

8 (Breach of Implied Warranty pursuant to Song-Beverly Consumer
9 Warranty Act, California Civil Code §§ 1792 and 1791.1 *et seq.*, and *Cal.*
10 *Comm. Code §2314*)

11 65. Plaintiff hereby incorporates by reference the allegations contained
12 in the preceding paragraphs of this Complaint.

13 66. Plaintiff brings this cause of action on behalf of himself and on
14 behalf of the members of the Nationwide Class, or, in the alternative, on behalf
15 of the members of the California Sub-Class.

16 67. Defendant was at all relevant times the manufacturer, distributor,
17 warrantor, and/or seller of the Class Vehicles. Defendant knew or had reason to
18 know of the specific use for which the Class Vehicles were purchased.

19 68. Defendant provided Plaintiff and Class Members with an implied
20 warranty that the Class Vehicles and any parts thereof were merchantable and fit
21 for the ordinary purposes for which they were sold. However, the Class
22 Vehicles were and are not fit for their ordinary purpose of providing reasonably
23 reliable and safe transportation because the Class Vehicles suffer from a
24 Powertrain Defect that can make driving unreasonably dangerous.

25 69. Defendant impliedly warranted that the Class Vehicles were of
26 merchantable quality and fit for such use. This implied warranty included,
27 among other things: (i) a warranty that the Class Vehicles' powertrains designed,
28

1 manufactured, supplied, distributed, and/or sold by Defendant were safe and
2 reliable for providing transportation; and (ii) a warranty that the Class Vehicles’
3 powertrains would be fit for their intended use while the Class Vehicles were
4 being operated.

5 70. Contrary to the applicable implied warranties, the Class Vehicles’
6 powertrains, at the time of sale and thereafter, were not fit for their ordinary and
7 intended purpose of providing Plaintiff and the other Class Members with
8 reliable, durable, and safe transportation. Instead, the Class Vehicles are
9 defective, as described more fully above.

10 71. Defendant’s actions, as complained of herein, breached the implied
11 warranty that the Class Vehicles were of merchantable quality and fit for such
12 use in violation of California Civil Code sections 1792 and 1791.1, and
13 California Commercial Code section 2314.

14 **FOURTH CAUSE OF ACTION**

15 (Breach of Express Warranty, Cal. Com. Code § 2313)

16 72. Plaintiff hereby incorporates by reference the allegations contained
17 in the preceding paragraphs of this Complaint.

18 73. Plaintiff brings this cause of action on behalf of himself and on
19 behalf of the members of the Nationwide Class, or, in the alternative, on behalf
20 of the members of the California Sub-Class.

21 74. Defendant provided all purchasers and lessees of the Class Vehicles
22 with the express warranty described herein, which became a material part of the
23 bargain. Accordingly, Defendant’s express warranty is an express warranty under
24 California law.

25 75. Defendant provided all purchasers and lessees of the Class Vehicles
26 with a New Vehicle Limited Warranty. In this New Vehicle Limited Warranty,
27 Defendant expressly warranted that it covered “[r]epair and replacement of any
28

1 component originally manufactured or installed by Hyundai Motor Company,
2 Hyundai Motor Group, Hyundai Motor Manufacturing Alabama, Kia Motors
3 Manufacturing Georgia, or Hyundai Motor America that is found to be defective
4 in material or workmanship [...]” Defendant promised New Vehicle Limited
5 Warranty coverage of 5 years or 60,000 miles, whichever occurs first. In addition,
6 Defendant promised Powertrain coverage of 10 years or 100,000 miles, whichever
7 occurs first, for original owners, and 5 years or 60,000 miles for subsequent
8 purchasers.

9
10 76. Defendant breached the express warranty through the acts and
11 omissions described above.

12 77. Plaintiff was not required to notify Hyundai of the breach because
13 affording Hyundai a reasonable opportunity to cure its breach of written warranty
14 would have been futile. Hyundai was also on notice of the Defect from the
15 complaints and service requests it received from Class Members, from repairs
16 and/or replacements of the Class Vehicles’ powertrains, and through other internal
17 sources.

18 78. As a result of Defendant’s breach of the applicable express
19 warranties, owners and/or lessees of the Class Vehicles suffered, and continue to
20 suffer, an ascertainable loss of money, property, and/or value of their Class
21 Vehicles. Additionally, as a result of the Powertrain Defect, Plaintiff and Class
22 Members were harmed and suffered actual damages in that the Class Vehicles’
23 powertrains are substantially certain to fail before their expected useful life has
24 run.

25 79. As a result of Defendant’s breach of the express warranty, Plaintiff
26 and Class Members are entitled to legal and equitable relief against Defendant,
27 including actual damages, specific performance, attorney’s fees, costs of suit, and
28 other relief as appropriate.

1 **FIFTH CAUSE OF ACTION**

2 (Breach of Implied and Written Warranties Under Magnuson-Moss Warranty
3 Act,
4 15 U.S.C. § 2301 *et seq.*)

5 80. Plaintiff hereby incorporates by reference the allegations contained
6 in the preceding paragraphs of this Complaint.

7 81. Plaintiff brings this cause of action on behalf of himself and on
8 behalf of the members of the Nationwide Class, or, in the alternative, on behalf
9 of the members of the California Sub-Class.

10 82. Plaintiff and Class Members are “consumers” within the meaning of
11 the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301(3).

12 83. Defendant is a “supplier” and “warrantor” within the meaning of 15
13 U.S.C. §§ 2301(4)-(5).

14 84. The Class Vehicles are “consumer products” within the meaning of
15 15 U.S.C. § 2301(1).

16 85. Defendant’s implied warranty is an “implied warranty” within the
17 meaning of 15 U.S.C. § 2301(7).

18 86. Defendant’s express warranty is a “written warranty” within the
19 meaning of 15 U.S.C. §2301(6).

20 87. Defendant breached the implied warranty and the express warranty
21 by virtue of the above-described acts.

22 88. Plaintiff and the other Class Members notified Defendant of the
23 breach within a reasonable time and/or were not required to do so. Defendant
24 was also on notice of the Powertrain Defect from, among other sources, the
25 complaints and service requests it received from Class Members and its dealers.

26 89. Defendant’s breach of the implied warranty deprived Plaintiff and
27 Class Members of the benefits of their bargains.
28

1 90. As a direct and proximate result of Defendant's breach of the implied
2 and express warranties, Plaintiff and the other Class Members sustained damages
3 and other losses in an amount to be determined at trial. Defendant's conduct
4 damaged Plaintiff and the other Class Members, who are entitled to recover actual
5 damages, consequential damages, specific performance, diminution in value, and
6 costs, including statutory attorney fees and/or other relief as appropriate.
7

8 **SIXTH CAUSE OF ACTION**

9 (Fraudulent Omission)

10 91. Plaintiff hereby incorporates by reference the allegations contained
11 in the preceding paragraphs of this Complaint.

12 92. Plaintiff brings this cause of action on behalf of himself and on
13 behalf of the members of the Nationwide Class, or, in the alternative, on behalf
14 of the members of the California Sub-Class.

15 93. Defendant knew that the Class Vehicles' powertrains were
16 defectively designed and/or manufactured, would fail, and were not suitable for
17 their intended use.

18 94. Defendant concealed from and failed to disclose to Plaintiff and
19 Class Members the defective nature of the Class Vehicles and their powertrains.

20 95. Defendant was under a duty to Plaintiff and Class Members to
21 disclose the defective nature of the Class Vehicles' powertrains because:

- 22 a. Defendant was in a superior position to know the true state of
23 facts about the safety defect contained in the Class Vehicles'
24 powertrains;
25 b. Defendant made partial disclosures about the quality of the
26 Class Vehicles without revealing the defective nature of the
27 powertrains; and
28

1 c. Defendant actively concealed the defective nature of the Class
2 Vehicles' powertrains from Plaintiff and Class Members.

3 96. The facts concealed or not disclosed by Defendant to Plaintiff and
4 the other Class Members are material in that a reasonable person would have
5 considered them to be important in deciding whether to purchase or lease
6 Defendant's Class Vehicles or pay a lesser price for them. Had Plaintiff and
7 Class Members known about the defective nature of the Class Vehicles'
8 powertrains, they would not have purchased or leased the Class Vehicles, or
9 would have paid less for them.

10 97. Defendant concealed or failed to disclose the true nature of the
11 design and/or manufacturing defects contained in the Class Vehicles'
12 powertrains in order to induce Plaintiff and Class Members to act thereon.
13 Plaintiff and the other Class Members justifiably relied on Defendant's
14 omissions to their detriment. This detriment is evident from Plaintiff's and Class
15 Members' purchase or lease of Defendant's defective Class Vehicles.

16 98. Defendant continued to conceal the defective nature of the Class
17 Vehicles' powertrains even after Class Members began to report the problems.
18 Indeed, Defendant continues to cover up and conceal the true nature of the
19 problem today.

20 99. As a direct and proximate result of Defendant's misconduct,
21 Plaintiff and Class Members have suffered and will continue to suffer actual
22 damages.

23
24 **RELIEF REQUESTED**

25 100. Plaintiff, on behalf of himself and all others similarly situated,
26 requests the Court to enter judgment against Defendant, and issue an order
27 providing the following relief:
28

- a. That Defendant provide notice, in a form pre-approved by the counsel identified below, to all current owners or lessees of the Class Vehicles in the United States and in the said notice offer to replace the defective powertrain contained in every Class Vehicle with a non-defective powertrain;
- b. That Defendant provide notice, in a form pre-approved by the counsel identified below, to all current and subsequent owners and lessees of the Class Vehicles in the United States and in the said notice extend the warranty for the Class Vehicles' powertrains to 10 years from the date an adequate fix or replacement is implemented/unlimited miles applicable to both original and subsequent purchasers of every Class Vehicle;
- c. That Defendant offer to reimburse all current and former owners and lessees in the United States who have purchased or leased the Class Vehicles, all expenses already incurred as a result of the Powertrain Defect, including repairs, diagnostics, and any other consequential and incidental damages (*e.g.* towing charges, vehicle rentals, etc.);
- d. That Defendant immediately cease the sale and leasing of the Class Vehicles at all authorized Hyundai dealerships without first notifying the purchasers of the Powertrain Defect, and otherwise immediately cease to engage in the violations of law as set forth above;
- e. Damages and restitution in an amount to be proven at trial;

- f. An order certifying the proposed Classes, designating Plaintiff as named representative of the Classes, and designating the undersigned as Class Counsel;
- g. A declaration that Defendant is financially responsible for notifying all Class Members about the defective nature of the Class Vehicles' powertrains;
- h. Any and all remedies provided pursuant to the UCL, CLRA, California's express and implied warranty laws alleged herein, California's common law fraud laws, and the Magnuson-Moss Warranty Act;
- i. An award to Plaintiff and the Class of compensatory, exemplary, and statutory damages, including interest, in an amount to be proven at trial;
- j. A declaration that Defendant must disgorge, for the benefit of the Class, all or part of the ill-gotten profits it received from the sale or lease of the Class Vehicles, and/or make full restitution to Plaintiff and Class Members;
- k. An award of attorneys' fees and costs, as allowed by law;
- l. An award of attorneys' fees and costs pursuant to California Code of Civil Procedure Section 1021.5;
- m. An award of pre-judgment and post-judgment interest, as provided by law;
- n. Leave to amend the Complaint to conform to the evidence produced at trial; and
- o. Such other relief as may be appropriate under the circumstances.

DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of any and all issues in this action so triable as of right.

Dated: July 20, 2018

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